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Executive Orders

EXECUTIVE ORDER JBE 19-25

Flags at Half-Staff—Rick Farrar

WHEREAS, on December 18, 2018, Rick Farrar passed away at the age of 58;

WHEREAS, born in Alexandria, Rick received his bachelor's degree from Northeast Louisiana University in Monroe (now the University of Louisiana in Monroe) and his law degree from Southern University Law Center;

WHEREAS, he attended the University of Southwestern Louisiana (now the University of Louisiana-Lafayette) on a track scholarship and later graduated from Loyola Law School where he was a member of the Law Review;

WHEREAS, Rick was a member of First United Methodist Church who was raised to value family and helping those who could not help themselves;

WHEREAS, a true public servant, Rick represented District 27 in the state House and served as an assistant district attorney for the Rapides Parish District Attorney's Office;

WHEREAS, Rick Farrar is survived by his wife, Dana Newman Farrar; sons Hunter and Cole Farrar; mother, Marilyn P. Farrar; and brother, Todd Farrar and his wife, Teresa; and

WHEREAS, Representative Rick Farrar was a devoted husband and father and lived his life with integrity and devoted to public service, leaving a lifetime legacy for the state of Louisiana.

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

SECTION 1: As an expression of respect and to honor the life of Rick Farrar, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings until sunset on Monday, December 31, 2018.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Monday, December 31, 2018, unless amended, modified, terminated, or rescinded prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 21st day of December, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
1901#067

EXECUTIVE ORDER JBE 19-26

Flags at Half-Staff—Honorable Pascal F. Calogero, Jr.

WHEREAS, the Honorable Pascal F. Calogero, Jr. died on December 20, 2018, at the age of 87;

WHEREAS, Chief Justice Calogero was a native New Orleanian who graduated from Loyola University and Loyola Law School in 1954;

WHEREAS, graduating first in his law school class and serving as President of the Student Editorial Board of the Loyola Law Review, Chief Justice Calogero later received a Master of Laws in Judicial Process from the University of Virginia;

WHEREAS, Chief Justice Calogero served three years in the United States Army as a military police officer and in the Judge Advocate General's Corps before working as a law clerk at Civil District Court in Orleans Parish prior to practicing law from 1958 through 1972 in private practice;

WHEREAS, in 1972, Chief Justice Calogero was first elected to the Louisiana Supreme Court from the First Supreme Court District and authored more than 1,000 majority opinions, concurrences, and dissents and participated in more than 6,000 oral arguments and published opinions during his nearly 36 years on the Supreme Court;

WHEREAS, Chief Justice Calogero spearheaded numerous legal reform initiatives, many of which serve as national models of court improvement, but considered his Court's most important achievements completion of the restoration of the Royal Street Courthouse and improvements in the state's indigent defense system, as well as the attorney and judicial disciplinary systems;

WHEREAS, during his distinguished career, Chief Justice Calogero contributed to maintaining stability in the law and jurisprudence of the state, while serving the least privileged of our citizens with compassion, integrity, and fairness; and

WHEREAS, Chief Justice Calogero is survived by his loving family; his wife, Leslie M. Langhettee and ten children, and many loving grandchildren, nieces, and nephews.

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

SECTION 1: As an expression of respect and to honor the Honorable Pascal F. Calogero, Jr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings on Tuesday, January 1, 2019.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Tuesday, January 1, 2019.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 21st day of December, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
1901#068

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

Emerald Ash Borer Quarantine (LAC 7:XV.167)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and the authority of the state entomologist pursuant to R.S. 3:1652, and in order to avoid a lapse in coverage until a permanent rule is in effect, notice is hereby given that Department of Agriculture and Forestry is adopting these emergency regulations establishing a quarantine in Caddo Parish for the following pest: Emerald Ash Borer (“EAB”), *Agilus planipennis* Fairmaire. The state entomologist has determined that EAB has been found in Caddo Parish and may be prevented, controlled, or eradicated by quarantine.

EAB poses an imminent peril to the health and welfare of Louisiana forests, commercial and private forestry/wood product industries, and nursery growers due to its ability to infest ash trees. In 2013, the wholesale value of woody ornamental sales for nursery growers in the state was \$62.6 million, a portion of which is comprised of sales of ash trees (Louisiana State University AgCenter 2013 Louisiana Summary, Agriculture and Natural Resources). Louisiana’s forests and forestry/wood products industries generated an output industry production value of \$10.86 billion in 2012, a portion of which is comprised of ash trees and ash tree products (Louisiana State University AgCenter publication 3367-G, 2015). Sales of ash firewood by retail and wholesale suppliers to private individuals also are important to the state’s economy.

Natural spread of EAB is limited to relatively short distances. However, without restriction, EAB can spread through human-assisted means over long distances via infested ash nursery stock, ash logs/timber and cut firewood. Once an ash tree is infested, it experiences twig dieback and tree decline. Tree death occurs within a few years. Failure to prevent, control, or eradicate this pest threatens to damage Louisiana’s commercial ash tree nursery industry, and over time this pest poses a threat to destroy the majority of ash in our state, both commercial and residential. The loss of the state’s commercial nursery-grown ash trees, forestry/wood ash products and even residential ash trees would be devastating to the state’s economy and to its private citizens. The quarantine established by this emergency regulation is necessary to prevent the spread of EAB to all areas in Louisiana where ash may exist, outside of the current areas where this pest has been found.

For these reasons, the presence of EAB in Louisiana presents an imminent peril to the health, safety and welfare of Louisiana’s citizens and forests, the state’s commercial and private forestry/wood product industries, and nursery growers. As a result of this imminent peril, the Department of Agriculture and Forestry, Office of Forestry and Office of

Agricultural and Environmental Sciences, hereby exercises its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by imposing the quarantines set out in these emergency regulations.

This Rule shall have the force and effect of law effective December 10, 2018, and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry or until permanent rules are promulgated in accordance with law.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter F. Emerald Ash Borer Quarantine

§167. Emerald Ash Borer Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the insect Emerald Ash Borer (“EAB”), *Agilus planipennis*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. The entire parishes of Bienville, Bossier, Caddo, Claiborne, Jackson, Morehouse, Lincoln, Ouachita, Union and Webster.

2. A declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Subsection shall be moved out of any area of this state that is listed in this subsection as a quarantined area for EAB, except as provided in this Subsection.

D. The following articles are hosts of EAB and are deemed to be regulated articles for purposes of this Subsection.

1. The emerald ash borer in all of its life stages; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*.

2. Any other article, product, or means of conveyance not listed in paragraph 4(a) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions.

1. The regulated articles being moved are accompanied by a certificate or limited permit issued by LDAF and attached in accordance with the EAB federal requirements.

2. The regulated articles being moved are not accompanied by a certificate or limited permit but are being

moved by the United States Department of Agriculture for experimental or scientific purposes.

3. The regulated articles being moved are not accompanied by a certificate or limited permit but originated outside of any EAB quarantined area and are moved interstate through the quarantined area under the following conditions:

a. the points of origin and destination are indicated on a waybill accompanying the regulated article; and

b. the regulated article, if moved through the quarantined area, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

c. the regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

d. the article has not been combined or commingled with other articles so as to lose its individual identity.

F. Persons or businesses engaged in growing, handling, or moving regulated articles intrastate may enter into a compliance agreement with LDAF if such persons or businesses review with an LDAF inspector each provision of the compliance agreement. Any person or business who enters into a compliance agreement with LDAF must agree to comply with the provisions of this subpart and any conditions imposed under this subpart.

1. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the person who has entered into the compliance agreement has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to LDAF within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants LDAF to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by LDAF. As soon as practicable, LDAF will grant or deny the appeal, in writing, stating the reasons for the decision.

G. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652, 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015), amended LR 45:

Mike Strain DVM
Commissioner

1901#007

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Medical Marijuana Program
(LAC 7:XLIX.101, 501, 525, 701, 907, 1101,
1505, 1701, 1711, 2501, 2901, and 2903)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 40:1046, the Commissioner of Agriculture and Forestry declares an emergency to exist and amends by emergency process the attached regulations for the handling, testing analyzing medical marijuana or product in its laboratory.

To define and clarify terms essential to LAC 7:XLIX and the Medical Marijuana Program, these emergency provisions include additional definition of terms. These amendments further provide for regulations regarding the wearing of identification badges while working near plants and/or during processing; how to pay fees; make electronically stored media and card access records available to department; inspector responsibility; who is permitted in restricted area; surveillance shall be in operation 24 hours 7 days a week; camera shall magnify at entrance and exits; security system shall be provided to department via secured web-based portal; transportation manifest and labeling and packaging approved by department.

This Emergency Rule becomes effective upon the signature of the Commissioner and shall remain in effect for 120 days, unless renewed or until permanent rules and regulations become effective.

Title 7

AGRICULTURE AND ANIMALS

Part XLIX. Medical Marijuana

Chapter 1. General Provisions

§101. Definitions

A. - B. ...

Immature Plant—a nonflowering Medical Marijuana plant that is no taller than eight to ten inches produced from a cutting, clipping or seedling.

Inspector—LDAF employee designated by the department to carry out an inspection under this Title.

* * *

Processing—any method used to prepare marijuana or its by products for commercial use, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

* * *

Research Facility—Louisiana State University Agriculture Center Research Facility and Southern University Agriculture Center Research Facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1251 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 5. License and Permits

§501. Procedure for Issuing the License

A. ...

B. R.S. 40:1046 entitles the Louisiana State University Agricultural Center and the Southern University Agricultural Center to the right of first refusal to be licensed as the production facility. This entitlement carries a presumption of suitability and accordingly, the following Sections of this Chapter pertaining to licensing shall not apply to the Louisiana State University Agricultural Center and the Southern University Agricultural Center: §§505, 507, 509, 513.A, 515.A, 517, 519.A.3, 521, 701.A.

C. The presumption of suitability does not apply to any producer or subcontractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

§525. Display of Identification Badge

A. ...

B. The permittee's identification badge may be placed in clothing only when working near plants and during processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 7. Fees

§701. Fees

A. The licensee shall submit the following non-refundable fees with each license and permit, in the form of a certified check, J4, or money order payable to Louisiana Department of Agriculture and Forestry.

1. The license fee of \$100,000 shall be payable to the department upon issuance of the license and annually thereafter.

2. The fee for a permit shall be \$100 annually.

B. A fee in an amount not to exceed 7 percent of gross sales shall be paid quarterly to the department.

C. All fees collected by the department pursuant to this Section shall be collected from the licensee and shall be used to fund expenses relating to the regulation and control of the medical marijuana program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 9. Compliance and Inspections

§907. Inspections and Observations

A. ...

B. A licensee shall, upon request, immediately make available for inspection by the department all papers, documents, electronically stored media, books, records and electronically stored card access records used in the licensed operations.

C. - E.5. ...

F. Upon findings of an inspection, the inspector may:

1. suspend the distribution of some or all medical marijuana from the licensed or registered premises;

2. order immediate evacuation of the premises and seal the entry door; or

3. quarantine some or all medical marijuana;

G. An inspector shall:

1. prepare a report of:

a. the observations and findings of the inspection; and

b. any suggestions or demands for corrective action;

2. deliver a copy of the report to the inspected entity and obtain a receipt for the delivery; and

3. if possible, discuss the inspection and inspection report with the licensee.

H.1.If an inspection report contains a suggestion or demand for corrective action, within five business days from the delivery of the report, the inspected entity shall:

a. respond in writing to every suggestion or demand for corrective action; and

b. set forth the plan for corrective action to be taken and the timetable for correction shall be 10 business days unless a written request for an extension is obtained.

2. failure to correct the violation will be subject to a fine of \$1,000.00 for each violation per day until paid.

3. failure to pay the violation within 30 days may result in suspension of license and a hearing before the hearing officer.

I. Upon request by the inspector, the video recording during the period of a violation of an observation of video recording shall be duplicated and provided to the department.

J. If an inspector finds evidence of operational failures or conditions that create a likelihood of diversion, contamination, or the risk to public health, an inspector may direct that the licensed premises may not distribute or participate in the distribution of any medical cannabis until the violation has been corrected and the premises pass re-inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 11. Internal Controls

§1101. Internal Control for Production Facility

A. - B.3.q. ...

r. procedures and records relating to all transport activities;

s. other information requested by the department; and

t. emergency procedures for outages.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017), LR 45:

Chapter 15. Production Facility

§1505. Restricted Areas

A. Only permittees, law enforcement while in the course and scope of their duties, LDAF authorized inspector(s) and the department authorized representative(s), may enter

restricted areas except as otherwise provided herein. The licensee shall implement procedures to ensure compliance with this Section.

1. Laboratory authorized staff may enter restricted areas for the sole purpose of identifying and collecting marijuana samples for the purposes of conducting laboratory testing;

2. Emergency personnel may enter restricted area when necessary to perform their duties;

3. Upon 24 hour written notice to the department, a production facility may allow contractors with a state issued photo identification card, to enter restricted areas when they are working on a job unrelated to medical marijuana, such as installing or maintaining security devices or performing electrical wiring; and

4. Upon 24 hour written request, with approval from the department, other persons with a state issued photo identification card, may be permitted to enter the production facility.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 17. Surveillance and Security

§1701. Required Surveillance Equipment

A. The licensee shall install a surveillance system on the entire premises of the production facility which shall be operational 24 hours, seven days a week. The surveillance system shall meet or exceed specifications established by the department and provide access to the department at all times.

B. ...

C. All cameras at the entrances and exits to the production facility shall be equipped with lenses of sufficient magnification to allow the operator to clearly distinguish product identifiers, ID tags, and facial and body images.

D. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

§1711. Security Alarm System

A. - B. ...

C. The electronic security system shall be available 24 hours per day, 7 days per week, to the department via a secure web-based portal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 25. Transportation

§2501. Transportation

A. Prior to transporting an immature plant from a research facility, a shipping manifest shall be made in LMMTS.

B. The licensee or its authorized permittee shall only be allowed to transport medical marijuana or product to the following locations:

1. from its production facility to dispensaries;
2. from its production facility to a laboratory for testing or research; and
3. when a specific non-routine transport request from the licensee is approved in writing by the department.

C. The licensee or its authorized permittee shall:

1. have a valid Louisiana driver's license and be insured above the legal requirements in Louisiana; and
2. be capable of securing (locking) medical marijuana and product items during transportation.

D. Prior to transporting medical marijuana or product, a licensee shall generate a transport manifest, utilizing LMMTS, that accompanies every transport of medical marijuana or product. Such manifests shall contain the following information:

1. the name, contact information of a licensee authorized representative, licensed premises address, and the authorized permittee transporting the medical marijuana or product;
2. the name, contact information, and premises address of the marijuana pharmacy or laboratory receiving the delivery;
3. medical marijuana or product name and quantities (by weight or unit) of each item contained in each transport, along with the requisite unique identification number for every item;
4. the date of transport and time of departure;
5. arrival date and estimated time of arrival;
6. delivery vehicle make and model and license plate number; and
7. name and signature of the authorized permittee accompanying the transport.

E. Only the licensee, its authorized permittee or a receiving marijuana pharmacy may transport medical marijuana or product from the production facility. transport manifest shall correctly reflects specific inventory in transit in case of multiple dispensaries delivery in a single trip.

F. Transport manifests shall be available for viewing through LMMTS, to the marijuana pharmacy, laboratory for testing, and the department before the close of business the day prior to transport.

G. The licensee or its authorized employees shall provide a copy of the transport manifest to law enforcement if requested to do so while in transit.

H. An authorized employee of the marijuana pharmacy or approved laboratory for testing shall verify that the medical marijuana or product are received as listed in the transport manifest by:

1. verifying and documenting the type and quantity of the transported medical marijuana or product against the transport manifest; and
2. returning a copy of the signed transport manifest to the production facility.

I. A receiving marijuana pharmacy or approved laboratory for testing shall separately document any differences between the quantity specified in the transport manifest and the quantities received. Such documentation shall be made in LMMTS and in any relevant business records.

J. The licensee shall ensure that all medical marijuana, plant material, or product transported on public roadways is:

1. only transported in a locked, safe and secure storage compartment that is part of the motor vehicle transporting the medical marijuana or product, or in a locked storage container that has a separate key or combination pad;

2. transported so it is not visible or recognizable from outside the vehicle; and

3. transported in a vehicle that does not bear any markings to indicate that the vehicle contains medical marijuana or bears the name or logo of the licensee.

K. Authorized permittees who are transporting medical marijuana or product on public roadways shall:

1. travel directly to the marijuana pharmacy or laboratory testing facility; and

2. document refueling and all other stops in transit, including:

- a. the reason for the stop;
- b. the duration of the stop;
- c. the location of the stop; and
- d. all activities of employees exiting the vehicle.

L. Every authorized permittee shall have access to a secure form of communication with the licensee and the ability to contact law enforcement through the 911 emergency systems at all times that the motor vehicle contains medical marijuana or product. If an emergency requires stopping the vehicle, the employee shall report the emergency immediately to law enforcement through the 911 emergency systems and the licensee, which shall immediately notify the department. The employee shall also complete an incident report form provided by the department.

M. The licensee shall ensure that all delivery times and routes are randomized.

N. Under no circumstance shall any person other than a designated permittee have actual physical control of the motor vehicle that is transporting the medical marijuana or product.

O. The licensee shall staff all transport motor vehicles with a minimum of two employees. At least one employee must remain with the motor vehicle at all times that the motor vehicle contains medical marijuana or product.

P. A permittee shall carry his permittee identification card at all times when transporting or delivering medical marijuana or product and, upon request, produce the identification card to the department or to a law enforcement officer acting in the course of official duties.

Q. The licensee shall ensure that a vehicle containing medical marijuana or product in transit is not left unattended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1267 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Chapter 29. Labeling

§2901. Labeling Requirements

A. Each product produced for sale shall be registered with the department on forms provided by the department for approval. Each product, as approved by the department, shall be labeled by the licensee prior to sale to a marijuana pharmacy. Each label shall be securely affixed to the package and shall include:

A.1 - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

§2903. Packaging Requirements

A. - C.4. ...

D. All packaging shall be approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 45:

Mike Strain DVM
Commissioner

1901#011

DECLARATION OF EMERGENCY

Department of Children and Family Services Division of Child Welfare

Foster Care (LAC 67:V.4101)

The Department of Children and Family Services (DCFS), Child Welfare, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 5 Foster Care, Chapter 41 Guardianship Subsidy Program, Section 4101 Subsidizing Guardianship Arrangements for Children in Foster Care. This emergency rule shall be effective January 1, 2019, and shall remain in effect for a period of 120 days.

Pursuant to SEC. 473. [42 U.S.C. 673], amendment of §4101 of this code is necessary to ensure children in foster care in Louisiana are afforded the full benefits possible in achieving permanency through guardianship. Additionally, with regard to federal Public Law 115-123 enacted February 9, 2018, the benefits available through the guardianship subsidy are being expanded.

The department considers emergency action necessary to implement this opportunity for establishing more stable, permanent care options for children in foster care, and stabilizing situations where guardians of children who have exited foster care and achieved the legal age of majority can continue to receive support as long as the guardian continues to provide care for the child and the guardian remains responsible for financial support of the child, if the child meets the same eligibility criteria as children eligible for the department's extended foster care program.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 5. Foster Care

Chapter 41. Guardianship Subsidy Program

§4101. Subsidizing Guardianship Arrangements for Children in Foster Care

A. Overview of Program Purpose

1. The Subsidized Guardianship Program enables the Department of Children and Family Services (DCFS) to make payments to certified relative and fictive kin caregivers as well as certified caregivers with a significant

familial bond with the child on behalf of a child who otherwise might not be able to achieve permanency outside of department custody because of special needs or other circumstances. Subsidy payments shall be limited to child(ren) for whom guardianship is indicated due to other more permanent options such as reunification with the parents, immediate unsubsidized custody to a relative or other caregiver, or adoption being determined unfeasible for the child. The guardianship subsidy applies only to a child(ren) for whom the DCFS holds legal custody, only to potential caregivers with whom the child has a significant familial bond; with whom it would be in the child's best interest to remain until the age of majority, and when the kinship placement provider or other caregiver with a significant familial bond becomes a certified foster caregiver according to the certification standards of the state, and, the child(ren) remains in the certified kinship placement or placement with the other caregiver with a significant familial bond for at least six consecutive months during the current foster care episode prior to entering the guardianship subsidy arrangement. The guardianship subsidy also applies to successor guardian(s) who meet the following criteria:

- a. the successor guardian is named in the guardianship subsidy agreement with DCFS;
- b. the successor guardian and all adult household members have satisfactorily completed national fingerprint based criminal and child abuse/neglect background clearances; and
- c. guardianship is transferred by a court to the successor guardian in accordance with *Louisiana Children's Code* articles 718 through 724.1.

2. The prospective guardianship family must meet basic foster care certification eligibility requirements or the successor guardianship criteria in all respects except for the ability to assume complete financial responsibility for the child's care.

3. An extended guardianship subsidy may be provided to the guardians or successor guardians of a child who initially received a guardianship subsidy from DCFS after achieving the age of 16, but prior to achieving the age of 18, when the guardian continues to provide care for the child and the guardian remains responsible for financial support of the child, if the child meets the same eligibility criteria as children eligible for the department's extended foster care program.

B. Types of Subsidy Payments. The child may be subsidized for the following services up to age 18.

1. Maintenance. The maintenance subsidy includes basic living expenses such as board, room, clothing, spending money, and ordinary medical costs. The maintenance subsidy may be ongoing until the child reaches age 18, but must be renewed on a yearly basis. The maintenance subsidy may be renewed on the child's eighteenth birthday and extended up to age 21 if the guardian continues to provide care for the child and the guardian remains responsible for financial support of the child, if the child meets the same eligibility criteria as children eligible for the department's extended foster care program. This extended maintenance subsidy must be reviewed quarterly and may be renewed annually as long as the child continues to meet the same eligibility criteria as children eligible for the department's extended foster care

program. This renewal will be dependent upon the child remaining in the care of the guardian or successor guardian with whom the subsidy agreement was established. The amount of payment shall not exceed 80 percent of the state's regular foster care board rate based on the monthly flat rate payments of the regular foster care board rate for the corresponding age group. Monthly maintenance payments shall not be based on subsidized foster care arrangements such as specialized foster care, alternate family care, or therapeutic foster care. Changes in the maintenance subsidy rate routinely only occur once a year and the adjustment is typically made at the time of the subsidy renewal, or due to a change in the child's age. Adjustments to the maintenance subsidy rate may also occur due to availability of funds, legislative changes or adjustments to the regular foster care board rate.

2. Special Board Rate. Foster parents entering into a guardianship agreement for a foster child for whom a special board rate was received during the foster care episode may request up to a maximum of \$240 which is 80 percent of the special board rate amount of \$300. This is only provided if the care and needs of the child in the guardianship arrangement warrant this same special board rate. The special board rate subsidy may be renewed on the child's eighteenth birthday and extended up to age 21 if the guardian continues to provide care for the child and the guardian remains responsible for financial support of the child, if the child meets the same eligibility criteria as children eligible for the department's extended foster care program. An extended special board subsidy for a child ages 18 to 21 must be reviewed quarterly and may be renewed annually as long as the child continues to meet the same eligibility criteria as children eligible for the department's extended foster care program. The continued need for the special board rate shall be reviewed at the time of the quarterly reviews. The review shall consist of a determination of whether the same level of specialized care by the guardian, for which the special board rate was being provided at the time of the initial subsidy agreement, continues to be necessary to meet the child's needs. Any reduction in the level of care required by the guardian or successor guardian should result in a decrease in the amount of special board rate compensation to the guardian.

3. Special Services

a. The special services subsidy is time limited and in some cases may be a one-time payment. It is the special assistance given to handle an anticipated expense when no other family or community resource is available. If needed, it can be offered in addition to the maintenance and special board rate subsidy. The special services subsidy must be established as a part of the initial guardianship subsidy agreement, and may not be provided or renegotiated based on any circumstances which develop or issues identified after that point. Special services subsidies include the following types of needs:

i. special medical costs deemed medically necessary for the daily functioning of the child for any condition existing prior to the date of the initial judgment establishing guardianship with the kinship caregiver or other caregiver with a significant familial bond and not covered by Medicaid or other insurance;

ii. ongoing therapeutic treatment costs to complete current therapy and future treatment costs on a time limited basis up to 18 years of age or for the duration of an extended subsidy for any eligible child, as department resources allow, related to the abuse/neglect received by the child and impacting the child's capacity to function effectively as part of the child's educational, family or social environment. This does not include the cost of residential care or psychiatric hospitalization, nor does it include therapeutic intervention for the sole purpose of providing behavior management assistance to the guardian;

iii. legal and court costs to the potential guardian family up to \$1000 for children who are not title IV-E eligible and up to \$2000 for children who are title IV-E eligible for establishing the guardianship arrangement. This service is only available for costs distinct and separate from the routine costs of the child in need of care proceedings to provide for costs to the potential guardian in establishing the guardianship arrangement. This legal and/or court fee will be provided as a non-reoccurring, one-time payment for each guardianship episode.

b. Medicaid Eligibility. The child remains eligible for Medicaid coverage up to 18 years of age when entering a guardianship subsidy arrangement from foster care. This coverage will be eligible utilizing title IV-E federal benefits if the child was title IV-E eligible at the time of the subsidy arrangement. For children not eligible for title IV-E, this coverage will be provided through title XIX federal benefits or state general funds. For a Louisiana child who is placed out of state in a potential guardianship placement or who moves to another state after the establishment of a guardianship subsidy, if the child is eligible for title IV-E guardianship subsidy payments, the child is also categorically eligible for Medicaid in the state in which the child resides whether that state participates in the title IV-E Guardianship Subsidy Assistance Program or not.

c. Chaffee Foster Care Independent Living Skills Training and Education Training Voucher Eligibility. The child is eligible for consideration for participation in the Chaffee foster care independent living skills training and for education training vouchers if the child initially enters a guardianship arrangement from foster care (not a successor guardianship) after reaching 16 years of age, as long as the child meets any other program eligibility requirements.

C. Exploration of Guardianship Resources

1. Before a child is determined by the Department of Children and Family Services (DCFS) as eligible for a guardianship subsidy, it must be determined the child cannot be reunited with the parents, and resources for adoptive placement must be explored by the child's worker. If the kinship family or other caretakers with a significant familial bond with the child and with whom the child is placed refuses to adopt the child or is unable to be certified as an adoptive family, the department has to show efforts to achieve the more permanent case goal of adoption for the child and demonstrate the benefits of maintaining the child in the placement in a guardianship arrangement as opposed to ongoing efforts in pursuing adoption or any other long term permanency arrangement. It is also necessary for the child's worker to discuss plans for a guardianship arrangement with the child and document the outcome of that discussion with the child, including agreement with that

plan by any child 14 years of age up to 18 years of age. Lack of agreement by any child 14 years of age up to 18 years of age should be an ongoing topic of counseling regarding the benefits of the arrangement between the worker and the child, until a permanency option is achieved for the child or until the child attains 18 years of age.

2. Whenever an eligible child in the custody of DCFS is legally placed based on the interstate compact on the placement of children guidelines with a certified kinship caregiver or other certified caretaker with a significant familial bond with the child in another state, the family shall be eligible for a guardianship subsidy under the same conditions as Louisiana residents.

D. Eligibility Criteria

1. The DCFS, Guardianship Subsidy Program, will determine the appropriateness of subsidy benefits, the type of subsidy, and, the level of the subsidy. An agreement form between the DCFS and the prospective guardianship parent(s), with clearly delineated terms, including designation of a successor guardian, if desired, must be signed prior to the granting of the final decree for guardianship. This agreement will be reviewed on an annual basis thereafter by the DCFS to insure ongoing eligibility. Any extended guardianship subsidy for a child who has attained 18 years of age must be reviewed quarterly to ascertain ongoing eligibility.

2. Subsidy payments shall be limited to a child(ren) for whom guardianship is indicated due to other more permanent options such as reunification with the parents, or adoption being determined unfeasible for or not in the best interests of the child. The exception would be any child who has been receiving a subsidy payment and enters a successor guardianship. A more permanent option for placement is not required as these children do not re-enter state custody.

3. The guardianship subsidy applies only to a child(ren) for whom the DCFS holds legal custody, only to potential caregivers with whom the child has an established familial or emotional relationship which it is deemed to be in the child's best interest to continue, and when the kinship placement provider or other caregiver with a significant familial bond with the child becomes a certified foster caregiver according to the certification standards of the State, and, the child(ren) remains in the certified kinship/caregiver placement for at least six consecutive months during the current foster care episode prior to entering the guardianship subsidy arrangement. The exception would be children entering a successor guardianship. There is no requirement for the child to be in DCFS custody, to be with a caregiver with an established relationship, for certification of the caregiver, nor for a child to be placed with the successor guardian for any length of time prior to entering the guardianship subsidy arrangement.

4. A family is considered eligible for participation in the Guardianship Subsidy Program if they are related to the child or family of the child through blood or marriage or if there exists a fictive kin relationship, which is defined as a relationship with those individuals connected to an individual child or the family of that child through bonds of affection, concern, obligation, and/or responsibility prior to the child's original entry into the custody of the state, and the individual(s) are considered by the child or family to hold the same level of relationship with the child or family

as those individuals related by blood or marriage. The exception would be an individual considered for the successor guardianship named by the guardian in the guardianship subsidy agreement with DCFS. Additionally, a family is eligible for participation in the Guardianship Subsidy Program if they have a “significant familial bond” with the child. This term is used to describe individuals with whom the child has a very close affinity who may or may not have been known to the child or his/her family prior to foster care entry. It is also intended to convey the importance of the relationship to the well-being of the child in maintaining a connection into the future. The child demonstrates this bond through a strong attachment to the caregiver. A family with whom the child shares a significant familial bond could potentially include foster parents who are unable or unwilling to establish an adoptive relationship with the child in spite of DCFS efforts to overcome barriers to adoption, yet who are willing to commit to long term permanency through guardianship for the child. This is demonstrated by non-related family who have a significant and positive relationship with the child and who have a strong commitment to caring permanently for the child.

E. Effects of Deaths of Guardians on Guardianship Subsidy

1. When a child has been placed in an approved guardianship placement with a guardianship subsidy agreement in effect and the guardian dies prior to the child reaching the age of majority, the child’s eligibility for a guardianship subsidy shall not be affected if a successor guardian was named in the original guardianship subsidy agreement. The child may remain in the care of a duly designated tutor/guardian as established by the guardian family prior to their death, without further involvement of the department. If the “duly designated” tutor/guardian requires financial assistance to maintain the care of the child and the individual was named in the guardianship subsidy agreement as a successor guardian, it is not necessary for the child to return to state custody and those individuals to become certified foster parents. Successor guardians named in the original guardianship subsidy agreement who take over financial responsibility for a child for whom the original guardians have been receiving an extended guardianship subsidy and the original guardians have died may receive the extended guardianship subsidy as well as long as the child continues to meet eligibility requirements up to the child achieving age 21.

2. If no successor guardian was named in the guardianship subsidy agreement, any individual otherwise legally designated as a tutor/guardian for the child and requiring financial assistance to sustain the care of the child would have to return the child to state custody and those individuals would have to become certified foster parents. Adoption of the child by the family should be explored as well, since adoption is a more permanent relationship for the child and family. If the family and home are determined to be safe for the care of the child through assessment of the home environment, fingerprint based criminal records clearance, and child abuse/neglect clearances, the child may remain in the care of the family while they are certified.

3. Where a guardianship subsidy agreement is in effect and the guardians both die prior to the child reaching the age of majority, the subsidy agreement will end. The

child may remain in the care of a duly designated tutor/guardian as established by the family prior to their death, without further involvement of the department.

4.a. If the designated tutor/guardian requires financial assistance to maintain the care of the child, it will be necessary for the child to return to state custody and those individuals to become certified as foster parents and provide care to the child six consecutive months after certification and prior to entering into a guardianship subsidy agreement with the department. During the process of becoming certified as foster parents the family may continue to provide care to the child, as long as they are determined to be safe caregivers through a minimum of:

- i. department assessment of the home environment;
- ii. national fingerprint based criminal records clearances on all adults in the home; and
- iii. child abuse/neglect clearances on all adults in the home.

b. Adoption of the child by the family will be explored by the department as well. There can be no financial support of the child by the child welfare agency while being cared for by the family until such family has been certified, other than incidental expenditures routinely reimbursed to other non-certified caregivers of children in foster care. Each guardianship arrangement is considered a new episode. Therefore, the department may provide legal and court costs to support the establishment of this new legal guardianship arrangement between the potential guardian and the child up to \$1000 for children who are not title IV-E eligible and up to \$2000 for children who are title IV-E eligible. No legal or court costs are provided for any guardianship arrangement established on or after the child’s eighteenth birthday.

AUTHORITY NOTE: Promulgated in accordance with SEC. 473. [42 U.S.C. 673], and P.L. 115-123.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:552 (March 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 41:2308 (November 2015), amended by the Department of Children and Family Services, Child Welfare, LR 45:

Marketa Garner Walters
Secretary

1901#016

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

State Central Registry—Child Residential Care, Class B
(LAC 67:V.Chapter 69)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B. this emergency Rule shall be effective January 29, 2019, and shall remain in effect for a period of 120 days.

The proposed Rule amends Chapter 69, Child Residential Care, Class B, Sections 6955, 6957, 6959, and 6961, and promulgates Section 6962. In accordance with R.S.

46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns or is employed in a facility licensed by DCFS.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 8. Residential Licensing
Chapter 69. Child Residential Care, Class B
§6955. Procedures

NOTE: This Section has been moved from LAC 67:1.1955.

A. - D.2.g. ...

h. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner's name appears on the registry, or if the staff member's name appears on the registry and remains in the employment of the licensee;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from Child Welfare that the individual is listed on the state central registry;

j. - k. ...

l. have knowledge that a convicted sex offender is on the premises of the child care facility and fail to notify law enforcement and licensing management staff immediately upon receipt of such knowledge;

m. have knowledge that a convicted sex offender is physically present within 1,000 feet of the child care facility and fail to notify law enforcement immediately upon receipt of such knowledge; or

n. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry.

E. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S.46:1401-1424 and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6957. Definitions

NOTE: This Section has been moved from LAC 67:1.1957.

* * *

Individual Owner—Repealed.

* * *

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned* or *Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Ownership—Repealed.

* * *

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

* * *

State Central Registry—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2742 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1619 (August 2009), amended by the Department of Children and Family Services, Division of Program, Licensing Sections, LR 38:972 (April 2012), amended by the Department of Children and Family Services, Licensing Sections, LR 45:

§6959. Administration and Organization

NOTE: This Section has been moved from LAC 67:1.1959.

A. – B.2. ...

3. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the residential home in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a residential home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

4. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has

access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

5. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

6. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

7. Providers and child care staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a child residential facility as defined in R.S. 46:1403.

8. The owner or director of a child residential facility shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the child residential facility. The verbal report shall be followed by a written report to the Licensing Section within 24 hours. The owner or director of a child residential facility shall be required to call and notify law enforcement personnel if they have knowledge that a registered sex offender is within 1,000 feet of the child day care facility as required by R.S. 14:91.1.

9. All owners shall have documentation of a state central registry clearance as required in §6962.

10. In accordance with R.S. 46:1428 providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Children and Family Services and shall be made available to parents or legal guardians prior to November 1 of each year.

C. - O.1.h. ...

i. documentation of a state central registry clearance as required in §6962.

O.2. - R.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2743 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1620 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:973 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6961. Human Resources

NOTE: This Section has been moved from LAC 67:I.1961.

A. - E.5. ...

6. free of a valid finding of child abuse and/or neglect as noted on the state central registry in accordance with §6962.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1570 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2745 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1622 (August 2009), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:975 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR:45

§6962. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with a facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the preceding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the residential home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently

licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the residential home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the residential home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse

and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

b. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the

preceding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

c. For individuals who have resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed residential home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide

services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Marketa Garner-Walters
Secretary

1901#052

DECLARATION OF EMERGENCY

**Department of Children and Family Services
Licensing Section**

State Central Registry—Maternity Homes and Residential Homes—Type IV (LAC 67:V.Chapters 67 and 71)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67:V, Subpart 8, Residential Licensing, Chapter 71, Residential Homes—Type IV, and Chapter 67, Maternity Home.

The Rule amends Chapter 67, Maternity Home, Sections 6703, 6708, and 6710; and Chapter 71, Residential Homes—Type IV, §§7105, 7107, 7109, and 7111. The Rule also promulgates Chapter 67, Maternity Home, Section 6712; and Chapter 71, Residential Homes—Type IV, Section 7112. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, contractor, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person's name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns, provides services for, or is employed in a facility licensed by DCFS.

Pursuant to R.S. 46:1414.1 of the 2017 Regular Legislative Session, the department shall adopt rules in accordance with the required law effective January 29, 2019. The department considers emergency action necessary in order to meet the requirements of R.S. 46:1414.1.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 67. Maternity Home

§6703. Definitions

A. - B.1. ...

Individual Owner—Repealed.

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

a. For licensing purposes the following are considered owners:

i. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

ii. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services

from the provider, and/or who are present at any time on the facility premises when children/youth are present;

iii. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

iv. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Provider—all owners or operators of a facility, including the director of such facility.

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

State Central Registry (SCR)—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

B.2. - B.2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6708. General Provisions

A. Conditions for Participation in a Child-Related Business

1. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the maternity home in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy

shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a maternity home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

2. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer

and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

4. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

5. Providers and staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a maternity home as defined in R.S. 46:1403.

6. The owner or director of a maternity home shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the maternity home. The verbal report shall be followed by a written report to the Licensing Section within 24 hours. The owner or director of a maternity home shall be required to call and notify law enforcement personnel if they have knowledge that a registered sex offender is within 1,000 feet of the maternity home as required by R.S. 14:91.1.

B. State Central Registry

1. All owners shall have documentation of a state central registry clearance as required in §6712.

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

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6710. Personnel Files

A. No person, having any supervisory or other interaction with residents, shall be hired or on the premises of the facility until such person has submitted his or her fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). This shall include any employee/volunteer or non-employee who performs paid or unpaid work with the provider to include contractors, consultants, students, volunteers, trainees, or any other associated person, as defined in these rules.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6712. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with facility were required to have on file a state central registry clearance form from child welfare stating that the

owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the preceding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the maternity home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the maternity home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the maternity home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the maternity home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the

knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state

central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and

unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed maternity home.

b. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed maternity home.

c. For individuals who have resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed maternity home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time

upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the maternity home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth,. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification

from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Chapter 71. Residential Homes—Type IV

§7105. Definitions

A. As used in this Chapter:

* * *

Individual Owner—Repealed.

* * *

Owner—Repealed.

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned* or *Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Ownership—Repealed.

* * *

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer

has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

* * *

State Central Registry—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7107. Licensing Requirements

A. - A.4. ...

5. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the residential home in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a residential home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

6. The following is a listing of individuals by organizational type who are required to submit

documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation (includes limited liability companies)*—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

7. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

8. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

6. Documentation of a state central registry clearance as required in §7112.

A.7. - B.2.p. ...

q. documentation of a state central registry clearance as required in §7112;

B.2.r. - E.2.f. ...

g. copy of current state central registry clearance forms for all owners and program directors/administrators.

E.3. - F.1.b.xvi. ...

xvii. documentation of a state central registry clearance as required in §7112;

F.1.b.xviii. - F.3.xvi. ...

xvii. documentation of a state central registry clearances for all owners and staff as required in §7112;

F.3.xviii - G.1.c. ...

d. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is

responsible or if the staff member who is responsible remains in the employment of the licensee;

e. - m. ...

n. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from Child Welfare that the individual is listed on the state central registry;

o. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry;

G.1.p. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7109. Critical Violations/Fines

A. - A.1. ...

2. §7111.A.9.a.i-v, vii, ix, or x—staffing ratios;

3. §7117.F.19—motor vehicle checks;

4. §7111.D.1.a if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7 also cited or §7111.D.2.—critical incident reporting; and/or

5. §7111.A.9.a.vi, §7111.A.9.a.xi, §7111.A.9.a.xiii-xv, §7111.A.4.c, §7123.B.5, or §7123.B.6—supervision.

B. - E.1.e. ...

f. If the provider exceeds staffing ratios by more than one resident, increase the fine by \$25.

g. If the provider failed to meet staffing ratios related to children of residents, increase the fine by \$25.

h. If the provider self-reported the incident which caused the critical violation to be cited, decrease the fine by \$25.

i. If the provider failed to self-report the incident which caused the critical violation to be cited, increase the fine by \$25.

j. If a critical violation for supervision was cited due to residents or children of residents being unsupervised in a vehicle, increase the fine by \$25.

k. If a critical violation for supervision was cited due to staff not knowing the whereabouts of residents to which they are assigned, increase the fine by \$25.

F. - H.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), amended LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry notification form from Child Welfare as required in §7112;

A.2.c.iv. - A.5.b. ...

c. All contractors who are unaccompanied by staff with direct or indirect contact with children/youth shall have documentation of a state central registry clearance as required in §7112.

A.6. - B.2.a.ix. ...

x. state central registry clearance forms as required in §7112.

B.2.b. - J.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7112. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with a facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the proceeding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the residential home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. For

states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the residential home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the residential home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the residential home is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is

recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is

listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

b. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

c. For individuals who have resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's

child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed residential home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no

later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Marketa Garner-Walters
Secretary

1901#053

DECLARATION OF EMERGENCY

Office of the Governor Boxing and Wrestling Commission

Boxing and Wrestling Standards
(LAC 46:XI.Chapter 5)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) in order to comply with House Bill 502 enacted during the 2018 Regular Session. This Emergency Rule is effective as of January 7, 2018 and will remain in effect for a period of 120 days.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XI. Boxing and Wrestling

Chapter 5. Professional Wrestling

§529. Wrestling Promoters Class "B" Licensing

A. There is hereby created a class "B" wrestling license to permit promoters to promote wrestling events where the venue is 400 or fewer persons in attendance.

B. There shall be no more than five class "B" wrestling licenses issued per calendar year;

C. Class "B" licenses will only be issued to persons in good standing with the commission, who have the requisite level of trustworthiness, knowledge and experience necessary to conduct class "B" events;

D. Once a promoter has obtained a class "B" wrestling license, he shall be limited to promoting only class "B" events.

E. Under no circumstances will the holder of a class "B" wrestling license be permitted to promote a show for any other person.

F. The cost for a class "B" wrestling promoter's license shall be \$250.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, and 4:83

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission LR 44:

§531. Submission of Documents for Class "B" Licenses

A. There shall be a Form 528(A); 528(B) 528(C) created by the commission and posted on the commission website for the submission of requests for class "B" shows.

B. Along with the completed Form 528(A) each promoter shall submit the following:

1. one of the following:

a. a document from the fire marshal indicating that the venue is 400 persons or less or;

b. Form 528(B) signed by an appropriate official from the primary or secondary school where the event is to be held;

2. one of the following:

a. an insurance policy indicating that the promoter has secured a commercial liability policy in the amount of \$100,000 which will be in effect for the event; or

b. Form 528(C) indicating that the venue provides a commercial liability policy in the amount of \$100,000 which will be in effect for the event;

3. current documentation evidencing that the individual is certified in infant/child/adult CPR;

4. for each wrestler listed as participating in the event, up to date medical testing results pursuant to medical requirements of the general rules of this title, and

5. for each wrestler who has never been licensed by the commission, either:

a. a copy of a wrestling license issued by another state or jurisdiction; or

b. Form 529(I) verifying the wrestler has been cleared to participate in the event as set forth under Section 529.

C. Form 528(A) along with all documents set forth above shall be submitted to the commission no less than 15 days prior to the event, there shall be no exceptions to this 15 day deadline;

D. At the time of the submission of Form 528(A) the promoter shall submit a check payable to the commission for the sum of \$50 to pay for expenses of the examination and verification of the documents and forms.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, and 4:83

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission LR 44:

§533. Participants

A. No person, who has not previously been licensed as a professional wrestler in the state of Louisiana, or other state or recognized jurisdiction, shall be entitled to participate in any event under this Chapter;

B. A person, who has not previously been licensed as a professional wrestling in the state of Louisiana, or other State or recognized jurisdiction, can obtain clearance to participate in an event under this Chapter by doing the following:

1. submitting Form 529(I) to arrange an examination by the commission, which will be set at a reasonable place and time to be arranged through the commission;

a. at the examination, the commission shall determine that the applicant has the physical ability, skill and training to participate in an event under R.S. 4:83(B);

b. if the applicant is successful, the commission shall complete Form 529(I) and issue a copy of same to the applicant;

c. if the applicant is unsuccessful, he may, within three months, apply for re-examination;

2. at the time of the submission of the 529(I) form to the commission, the applicant shall include a cashier's check or money order in the amount of \$50 to secure the attendance of the deputy commissioner at the examination;

3. in no event shall the applicant be entitled to participate in a show within 15 days of his successful examination.

C. The commission declares that the participation of any contestant not listed on Form 528(A) is a danger to the public health, welfare and safety pursuant to R.S. 49:961 requiring immediate action, and the commission may summarily suspend a promoter or wrestler's license pending a hearing, if such a violation has been committed.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, and 4:83

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission LR 44:

§535. Promoter’s Obligations

A. The promoter is obligated to the commission, the public and the participants to insure all rules and regulations of the commission are followed, except those specifically excluded by R.S. 4:83(B). In addition, the promoter shall, within 15 days of his event, sent a report the commission which shall contain the following:

1.a. injuries suffered by any of the contestants, including but not limited to
i. cuts requiring stitches
ii. broken bones
iii. injuries requiring emergency medical treatment or hospitalization;

b. it shall be the duty of the promoter to include the name of the injured contestant as well as all other relevant information concerning the person’s treatment, etc.,

2. injuries suffered by any of the spectators;

3. number of persons attending the event;

4. a list of any violations of the rules and regulation set forth under this title, including the name of the perpetrator(s) and the specific violation(s) committed;

5. if a promoter fails to submit this report within 15 days after the event, no approval for a new event shall be granted except by application submitted directly to the commission at one of its regular monthly meetings, at which time the promoter shall also explain the reason for his failure to timely submit his report. Multiple failure to submit timely reports may lead to suspension.

6. the commission declares that the promoter’s failure to operate his event in compliance with this title, and the rules and regulation of the commission, is a potential danger to the public health, welfare and safety pursuant to R.S. 49:961 requiring immediate action, and the commission may summarily suspend a promoter license pending a hearing, if such a violation has been committed

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, and 4:83

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission LR 44:

Anthony "Buddy" Embanato
Chairman

1901#003

DECLARATION OF EMERGENCY

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

Intermediate Care Facilities for Individuals with
Intellectual Disabilities—Public Facilities
Transitional Rate Extension
(LAC 50:VII.32915 and 32969)

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32915 and §32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum

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

The Department of Health, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to extend the period of transitional rates for large facilities that provide continuous nursing coverage to medically fragile populations for an additional year (*Louisiana Register*, Volume 44, Number 1). The department promulgated an Emergency Rule to extend the period of transitional rates for two additional years. This Emergency Rule also amended the provisions governing ICFs/IID to align the Rule language with the language currently used in the Medicaid State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (*Louisiana Register*, Volume 44, Number 10).

This Emergency Rule is being promulgated in order to continue the provisions of the October 11, 2018 Emergency Rule. This action is being taken to protect the public health and welfare of Medicaid recipients transitioning from public ICFs/IID by ensuring continued provider participation in the Medicaid Program.

Effective February 9, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

**Subpart 3. Intermediate Care Facilities for Individuals
with Intellectual Disabilities**

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32915. Complex Care Reimbursements

A. Private (non-state) intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) may receive an add-on payment to the per diem rate for providing complex care to Medicaid recipients who require such services. The add-on rate adjustment shall be a flat fee amount and may consist of payment for any one of the following components:

1. - 7. ...

B. Private (non-state) owned ICFs/IID may qualify for an add-on rate for recipients meeting documented major medical or behavioral complex care criteria. This must be documented on the complex support need screening tool provided by the department. All medical documentation indicated by the screening tool form and any additional documentation requested by the department must be provided to qualify for the add-on payment.

C. - I.3.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:276 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1447 (August 2018), LR 45:

Subchapter C. Public Facilities

§32969. Transitional Rates for Public Facilities

A. - B. ...

1. The department may extend the period of transition up to September 30, 2020, if deemed necessary, for an active CEA facility that is:

B.1.a. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:326 (February 2013), amended LR 40:2588 (December 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 44:60 (January 2018), LR 44:772 (April 2018), LR 45:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1901#055

DECLARATION OF EMERGENCY

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

Oyster Season Closure for East Portion of Calcasieu Lake

In accordance with the emergency provisions of Revised Statutes (R.S.) 49:953, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on August 2, 2018 which authorized the secretary of the Department of Wildlife and Fisheries to take emergency Action if oyster resources and/or reefs are being adversely impacted, notice is hereby given that the secretary of Wildlife and Fisheries hereby declares that the harvest of oysters from the East portion of the Calcasieu Lake Public Oyster Area shall close at one half hour after sunset on Monday, December 31, 2018.

The oyster population in Calcasieu Lake has been in decline for several years and the recommended harvest threshold in the East portion of the Calcasieu Lake Public Oyster Area is projected to be met by the closure date. Continued commercial harvest may threaten the long-term sustainability of remaining oyster resources in this area. Protection of these remaining oyster resources from injury is in the best interest of this public oyster area.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health for public health concerns.

Jack Montoucet
Secretary

1901#006

DECLARATION OF EMERGENCY

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

Partial Fall Inshore Shrimp Season Closure

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within large portions of state inside waters is smaller than the minimum possession count allowed by law. A closure is needed to protect the small white shrimp in these waters and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 2, 2018, which authorizes the secretary of the department to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2018 fall inshore shrimp season shall close on December 17, 2018, at official sunset, except for the following inside waters located east of the Mississippi River: Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, Mississippi River Gulf Outlet (MRGO), a section of the Gulf Intracoastal Waterway (GIWW) in Orleans Parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the Inner Harbor Navigation Canal, and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet
Secretary

1901#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure in Portions of State Outside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 2, 2018, which authorizes the secretary of the department to close shrimp season in all or parts of state outside waters when biological and technical

data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2018 shrimp season shall close on December 24, 2018, at official sunset, in portions of state outside waters between Calliou Boca and Freshwater Bayou Canal. The eastern boundary line originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46 seconds north latitude, -90 degrees 50 minutes 27 seconds west longitude and ends at a point on the three mile line as described in R.S. 56:495(A) at 28 degrees 59 minutes 30 seconds north latitude, -90 degrees 51 minutes 57 seconds west longitude. The western boundary line originates on the western shore of Freshwater Bayou Canal at 29 degrees 32 minutes 03 seconds north latitude, -92 degrees 18 minutes 33 degrees west longitude and ends at a point on the three mile line as described in R.S. 56:495(A) at 29 degrees 29 minutes 02 seconds north latitude, -92 degrees 19 minutes 34 seconds west longitude.

Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet
Secretary

1901#005

Rules

RULE

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Turtles (LAC 7:XXI.Chapter 19)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., the Department of Agriculture and Forestry ("Department") has amended LAC 7:XXI.Chapter 19 relative to turtles in Louisiana. The Rule change codifies Act 69 of the 2017 Regular Legislative Session related to turtle farming to include deleting certain requirements for the export of turtles, updating the requirements for licensure as a certified turtle farmer, updating the requirements for turtle farms, and updating the language on inspections. Furthermore, the Rule change removes certain turtle egg treatment methods that are obsolete, eliminates certain food and water inspection requirements, repeals a prohibition on the sale of eggs originating outside of Louisiana, and makes additional technical and clarifying changes. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 19. Turtles

§1901. Definitions

A. In addition to the definitions listed below, the definitions in R.S. 3:2358.3 shall apply to these regulations.

Agent—an authorized representative of the Department of Agriculture and Forestry.

Certified Laboratory—a laboratory which has a current certification or accreditation by the Federal Food and Drug Administration or other national certifying or accrediting agency to perform microbiological or residue testing of organic or inorganic samples and has a microbiologist on staff, and has been approved by the Department of Agriculture and Forestry.

Certified Turtle Farmer—a Louisiana individual, partnership, corporation or entity engaged in the breeding, hatching, propagating, raising, growing, receiving, shipping, transporting, exporting, distribution or sale of farm raised turtles and which have been licensed by the Department of Agriculture and Forestry.

Chain of Custody Form—a document approved by the department which verifies species, destination, origin, and turtle lot and which is used for transporting turtles within the state of Louisiana only.

Department—the Department of Agriculture and Forestry.

Exporter—a person who is licensed by the U.S. Fish and Wildlife Service to engage in the business of exporting groups of turtles or groups of turtle eggs.

Farm-Raised Turtle—any reptile of the order Testudines which is bred, born, raised, or kept, by a licensed turtle farmer within a closed circumscribed pond for the purpose of buying, selling, or trading in commerce.

Farmer-Exporter—a certified turtle farmer that is also licensed by the U.S. Fish and Wildlife Service to engage in the business of exporting groups of turtles or groups of turtle eggs.

Health Certificate—a document which certifies that the turtles or turtle eggs are free of visible signs of infectious, contagious or communicable disease, and which is signed by a veterinarian who is licensed in this state, federally accredited and approved by the Department of Agriculture and Forestry.

Licensed Turtle Farmer—a person engaged in the collection, hatching, sale or distribution of farm raised turtles or turtle eggs.

Person—any individual, partnership, association, organization, or corporation engaged in any phase of the farm raised turtle industry.

Quarantined Area—any area or premises which has been designated as quarantined by the department due to a finding of contamination with *Salmonella spp.*, or other bacteria harmful to other turtles or humans by a Louisiana licensed, accredited veterinarian or agent of the department.

Turtle Farm—any area of land or water used to breed, raise or keep farm-raised turtles.

Turtle Lot—any amount of turtles or eggs up to 20,000 in number, and may be used interchangeably with the term turtle group.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:224 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:350 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1567 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:978 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:31 (January 2019).

§1903. Requirements for Turtle Farms

A. Each facility which houses farm-raised turtles or turtle eggs for the purpose of buying, selling, or trading in commerce shall contain the following: turtle pond(s), turtle laying area, egg washing area, treatment areas, hatching area, holding or post-hatching area, and inventory storage.

B. Each facility shall possess hot and cold water, hand washing facilities, cooling and ventilation capability, be free of rodents and pests, be properly disinfected, utilize stainless steel or non-porous tables, buckets and baskets, and have access to restroom facilities.

C. The facility shall be free of debris, trash and offensive odors.

D. Egg Washing and Treatment Areas of the Facility

1. All egg washing and treatment areas shall be lighted and ventilated.

2. All floors in the egg washing and treatment areas shall consist of concrete or non-porous covering with drainage sufficient to prevent the accumulation of water.

3. All surfaces in the egg washing and treatment areas which come in contact with turtles or turtle eggs shall be non-porous.

E. Hatching, Holding, and Post-Hatching Area of the Facility

1. The hatching, holding, post-hatching area shall be a separate identifiable room in which the temperature can be maintained and controlled.

2. The hatching, holding, post-hatching area shall be large enough to accommodate all designated groups of turtles that have not been sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1567 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:979 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:31 (January 2019).

§1905. Inspections

A. All persons, licensed turtle farmers, turtle farms, farmer-exporters, exporters, and certified turtle farmers are subject to inspection by agents of the Louisiana Department of Agriculture and Forestry to insure compliance with this Chapter.

B. Inspections may include but are not limited to the following actions.

1. An agent may inspect the premises of persons, turtle farms, farmer-exporters, exporters, and certified turtle farmers to insure that no turtles or eggs belonging to different groups are commingled without first receiving the documentation required by La. R.S. 3:2358.7 and §1919 of this Chapter.

2. An agent may inspect the premises of persons, turtle farms, farmer-exporters, exporters, and certified turtle farmers to insure that each turtle lot is clearly identified and is not improperly commingled with saleable or hatchable eggs of other turtle lots.

3. An agent may inspect the records of persons, turtle farms, farmer-exporters, exporters, and certified turtle farmers to verify that all documentation required by La. R.S. 3:2358.7 and §1919 of this Chapter is current.

4. An agent may take samples of water from ponds, turtles, and turtle eggs which shall be transmitted to a certified laboratory for chemical and microbiological analysis, including, but not limited to pH, antibiotic and pesticide contaminants, and potentially pathogenic bacteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:224 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:350 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1568 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:979 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:32 (January 2019).

§1907. Collection of Egg and Turtle Samples (Formerly §2305)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9, 3:2358.10 and 3:2358.12.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1568 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:980 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:32 (January 2019).

§1909. Prohibitions

A. No person may import turtles or turtle eggs of any species from any other state or foreign country unless they are a certified turtle farmer.

B. Viable turtle eggs and live turtles with a carapace length of less than four inches shall not be sold or offered for any other type of commercial or public distribution within the state of Louisiana.

1. Exceptions:

a. the sale, holding for sale, and distribution of viable turtle eggs and live turtles with a carapace length of less than four inches for bona fide scientific, educational, or exhibitional purposes, other than use as pets;

b. the sale and distribution of viable turtle eggs and live turtles with a carapace length of less than four inches to a certified turtle farmer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1569 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:980 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:32 (January 2019).

§1911. Identification of Lots of Turtles and Turtle Eggs

A. All lots of turtles or turtle eggs produced by persons in Louisiana shall be assigned a lot number on a department-approved form.

B. No turtle lot shall exceed 20,000 viable hatchlings or eggs.

C. All farm-raised turtle eggs shall originate from certified turtle farmers. They shall be identifiable by lot number.

D. All farm-raised turtles, including but not limited to turtles raised to replenish pond stock and turtles raised to a four- inch carapace length for the pet trade, shall be placed in a designated lot and remain a component of the same lot until they are sold, destroyed or removed from the facility's premises

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.7.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1569 (August 2000), repromulgated by the Department of Agriculture and

Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:981 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:32 (January 2019).

§1913. Microbiological Test Procedures

A. Samples of turtles or turtle eggs may be subjected to microbiological examination using approved procedures and techniques based upon procedures used by the certified laboratory.

B. Turtle lots identified as testing positive for *Salmonella spp.* or any other microorganisms pathogenic to humans, domestic animals or aquatic species shall be reported to the Office of the State Veterinarian and the lot number verified by the Department.

C. If any turtle or turtle lot tests positive for *Salmonella spp.*, then the person may request a retest. Samples of the retest must be submitted when requested by agents of the department. The person may request a retest of the lot as a whole using the same sampling procedures as used for the original test or the person may subdivide the affected positive lot into a maximum of four equal subgroups. Each such subgroup shall be separately identified, simultaneously randomly sampled and tested. The Louisiana Veterinary Medical Diagnostic Laboratory shall conduct the retesting, whether from the lot as a whole or from any of the subgroups. The Louisiana Animal Disease Diagnostic Laboratory test results, shall be the final and conclusive test results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), LR 30:1445 (July 2004), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2210 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:981 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:33 (January 2019).

§1915. Issuance of Health Certificates (Formerly §2313)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2211 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:981 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:33 (January 2019).

§1917. Quarantine (Formerly §2315)

A. Upon testing positive for *Salmonella ssp.* or other pathogenic bacteria, eggs and turtles shall be subject to quarantine, inventory and verification by agents of the department.

B. Quarantined turtles and eggs shall be sealed under supervision of agents of the department to prevent the spread

of pathogenic bacteria until the person receives notice of either:

1. the lifting of the quarantine; or
2. instructions dealing with the disposal of the quarantined turtle or egg lot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2,

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:981 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:33 (January 2019).

§1919. Form and Content of Records

A. All farm-raised turtles imported into this state shall be accompanied by a health certificate and meet the specific requirements of LAC 7:XXI.501.

B. Any person engaged in the breeding, hatching, propagating, raising, growing, receiving, shipping, transporting, exporting, or sale of farm raise turtles shall maintain the following applicable documentation:

1. Turtle Group Distribution Document (AHS-24-99);
2. Daily Record Keeping for Turtles and Eggs (AHS-67-01);
3. department-issued license;
4. facility inspection reports;
5. laboratory results and reports;
6. U.S. Fish and Wildlife Service Form 3-177 (for exporters only);
6. health certificates; b
8. chain of custody form.

C. All records shall be maintained for a period of three years.

D. Falsification or misrepresentation of turtle groups or lots for sampling, testing or retesting is prohibited.

E. Alteration or falsification of records of turtle groups or lots and providing records for alteration or falsification of turtle groups or lots is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.7.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1570 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:982 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:33 (January 2019).

§1921. Certified Turtle Farmers; Licensing

A. No person shall breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell turtles or turtle eggs without possessing a turtle farmer license.

B. Each person applying for a turtle farmer license shall annually complete an application as provided by the department accompanied by an application fee of \$250. The application shall include the following information:

1. name of applicant;
2. date of application;
3. address of applicant;
4. telephone number of applicant;

5. whether the applicant is an individual, corporation, subchapter "S" corporation, cooperative or partnership;

6. principal officers of the applicant, if any;

7. location of applicant's principal office and farming premises;

8. location of all offices operated by applicant, along with the name of the manager and phone number of each;

9. the dates upon which the applicant begins and ends its fiscal year;

10. a map or schematic showing the location of ponds or other breeding habitats, storage, treatment and incubation buildings and facilities shall be included with all applications for a turtle farmer license. Each pond or breeding habitat shall be designated by a letter, beginning with "A", and shall be designated in sequential order and properly labeled on the map or schematic.

C. Prior to the issuance of an initial turtle farmer license, an inspection of the turtle farm facilities shall be made by an agent of the Department to insure compliance with this Chapter.

D. Upon issuance of an initial license by the department, certified turtle farmers shall be assigned a permanent licensed farmer identification code for use on all documents related to turtle farming.

E. In the case of the transfer of ownership of the person or entity that is the certified turtle farmer that person must reapply with the department for licensing as a certified turtle farmer and must meet all of the qualifications required for the issuance of an initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.4.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:352 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:982 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:33 (January 2019).

§1923. Proper Disposal (Formerly §2321)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2, 3:2358.9 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:2211 (September 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:983 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:34 (January 2019).

§1925. Authority of Agents to Enter Premises

A. Agents of the department are authorized and shall be allowed entry onto any property or premises in the state of Louisiana for the purpose of carrying out the provisions of these regulations. Whenever reasonably possible, agents shall notify the person before performing any inspections.

B. Agents of the department are authorized to inspect all records and premises in order to enforce the provisions of R.S. 3:2358.1 et seq., and these regulations.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:983 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:34 (January 2019).

§1927. Department Issued Guidelines

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1571 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:983 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:34 (January 2019).

§1929. Penalties

A. A penalty of not more than \$1000 may be assessed for any violation of this Chapter, by a ruling of the commissioner based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. Each day on which a violation occurs shall be considered a separate offence.

B. The commissioner may deny renewal or revoke the license of a certified turtle farmer for any violation of the provisions of R.S. 3:2358.1 et seq. or for any violation of this Chapter after an adjudicatory hearing held in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.14.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Animal Health Services, LR 12:225 (April 1986), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1572 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:983 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:34 (January 2019).

§1931. Repeal of Prior Rules and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:353 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1572 (August 2000), repromulgated by the Department of Agriculture and

Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:984 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 45:34 (January 2019).

Mike Strain, DVM
Commissioner

1901#069

RULE

Board of Elementary and Secondary Education

Bulletin 119—Louisiana School Transportation Specifications and Procedures—Termination of Bus Drivers and Filling Vacancies (LAC 28:CXIII.309 and 1505)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 119—Louisiana School Transportation Specifications and Procedures*. The amendment aligns policy with recently-enacted legislation from Act 699 of the 2018 Regular Session of the Legislature, which requires public school boards to notify certain school bus operators of route vacancies by mail and to update procedures for the removal of permanent school bus operators. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 3. Selection and Employment of School Bus Drivers and Attendants (Aides)

§309. Tenure and Termination of Bus Drivers

A. A permanent school bus operator will not be removed from his position except upon:

1. written and signed charges of willful neglect of duty;
2. incompetence;
3. immorality;
4. intoxication while on duty;
5. failure to comply with the reporting requirements of R.S. 17:491.3 relative to being arrested for one or more specified offenses;
6. physical inability to perform duties;
7. failure to keep the school bus in a safe, comfortable, and practical operating condition; or
8. being a member of or contributing to any group, organization, movement or corporation that is prohibited by law or enjoined from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond.

B. ...

C. The procedure for removal of any permanent school bus operator shall be in accordance with R.S. 17:493.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:158, 17:160-161, 17:164-166, 17:492, and 17:493.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:630 (April 1999), amended LR 36:1468 (July 2010), LR 39:80 (January 2013), LR 45:35 (January 2019).

Chapter 15. School Bus Routes §1505. Routes: Filling Vacancies

A. ...

1. The opportunity to change from the current assigned route to the vacant route must be offered, by mail to his/her residence, to tenured school bus operators in the order of seniority.

A.2. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:158, 17:160-161, 17:164-166, 17:493, and 17:500.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:633 (April 1999), amended LR 36:1475 (July 2010), LR 45:35 (January 2019).

Shan N. Davis
Executive Director

1901#026

RULE

Board of Elementary and Secondary Education

Bulletin 135—Health and Safety—Immunizations (LAC 28:CLVII.303)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 135—Health and Safety*. The amendments are being made to align the rules with Act 196 of the 2018 Regular Legislative Session, requiring students who are entering the eleventh grade, or who are 16 years old and entering any grade, to provide satisfactory evidence of current immunization against meningococcal disease as a condition of school entry. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - G.2. ...

3. A student who is 11 years old and is entering a grade other than the sixth grade and a student who is 16 years old and is entering a grade other than eleventh grade must provide satisfactory evidence of current immunization against meningococcal disease as a condition of entry into such grade at any school in the state.

4. Each student who is 11 years old and each student who is 16 years old and is participating in an approved home study program pursuant to R.S. 17:236.1 must provide satisfactory evidence of current immunization against meningococcal disease to BESE, as required.

G.5. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019).

Shan N. Davis
Executive Director

1901#027

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Operation and Administration; and Curriculum and Instruction (LAC 28:CXV.339, 349, 2305, 2307, 2317 and 2361)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions align state policy with Acts of the 2018 Regular Legislative Session by: updating terminology; requiring instruction in high schools pertaining to shaken baby syndrome; recognizing high school graduates who meet certain academic criteria relative to world language proficiency; updating school crisis management and response plans; consideration of gifted evaluations and additional services; updating rules pertaining to substance abuse prevention; requiring local education authorities (LEAs) to develop plans addressing the potential for violence and terrorism in schools; requiring LEAs to adopt policies addressing student internet and online site use and indecent or hostile behavior; and uncoupling AP physics I and II for the purposes of earning credit for the TOPS program. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§339. Emergency Planning and Procedures

A. - G. ...

H. The school will establish procedures that detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures of a school and provide for parent for parental notification in the event of a shooting or other violent incident or emergency situation.

I. The governing authority of each public school will, as part of its school crisis management plan, develop resources, policies, procedures, and guidelines to address the potential of violence and terrorism in the schools under its jurisdiction.

J. The local superintendent or chief charter school officer may dismiss any or all schools due to emergency situations, including any actual or imminent threat to public health or safety which may result in loss of life, disease, or injury; an actual or imminent threat of natural disaster, force majeure, or catastrophe which may result in loss of life, injury or damage to property; and, when an emergency situation has been declared by the governor, the state health officer, or the governing authority of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154.1, and 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:36 (January 2019).

§349. Complaint Procedures

A. ...

B. The following definitions apply to this Section.

Applicable Program—any of the following ESEA programs for which the LDE has submitted a consolidated state plan or consolidated state application under the ESEA, which may include:

a. - c. ...

d. title I, part D (prevention and intervention programs for children and youth who are neglected, delinquent, or economically disadvantaged);

e. - n. ...

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 20 USC 6320, 7883(a), and 7844(a)(3)(C), and 34 CFR 106.8(b) and 299.11-299.12.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1613 (August 2007), amended LR 39:2198 (August 2013), LR 45:36 (January 2019).

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

A. - F.3. ...

4. Such programs will integrate an evidence-based, age-appropriate instructional component on opioid substance abuse prevention.

a. Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to this Subsection will include the information that mixing opioids and alcohol can cause accidental death.

G. - K.1.b. ...

L. Each public high school will provide instruction in the recognition and prevention of shaken baby syndrome. Such instruction shall be integrated into an existing course of study.

1. For purposes of this Subsection:

Shaken Baby Syndrome—the condition known also as "abusive head trauma" that is characterized by injuries resulting from violent shaking or shaking and impacting of the head of an infant or small child.

M. Each LEA will adopt policies regarding access by students to internet and online sites that contain or make reference to harmful, violent, pervasively vulgar material, obscene material, child pornography, or sexually harassing material conducive to the creation of a hostile or dangerous school environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:81, 17:154, 17:261 et seq., 17:263, 17:270, 17:280, 17:281 et seq., 17:404, and 17:405 et seq., and 36 USC 106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018), LR 45:36 (January 2019).

§2307. Literacy Screening

A. ...

1. Each second grade and third grade student administered a literacy screening will be identified as reading below, at, or above grade level. Second and third grade students scoring above grade level will be considered

for evaluation into a gifted program. Students scoring below grade level shall be considered for additional resources.

2. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA will provide an alternate assessment recommended by the LDE.

3. Each LEA will report to the LDE screening results by child within the timeframes and according to the guidance established by the LDE.

4. For grades 1-3, the school should use the prior year's latest screening level to begin appropriate intervention until the new screening level is determined.

5. Screening should be used to guide instruction and intervention.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:1878 (November 2016), LR 45:36 (January 2019).

§2317. High Schools

A. - J.2.b. ...

c. has demonstrated proficiency at the intermediate-high level or above in one or more languages other than English through one of the following methods:

i. passing a world language advanced placement examination or a world language International baccalaureate examination with a score determined by the department, in consultation with the examination provider, to be indicative of language proficiency;

(a). Repealed.

ii. completion of a four-year high school course of study in a world language or completion of at least four Carnegie units content courses in a world language immersion setting;

iii. passing a foreign government's approved language examination and receiving a certificate of competency from the authorizing government agency at:

(a). the corresponding European B2 level;

(b). - (c). Repealed.

iv. passing a nationally-recognized world language proficiency examination with a score determined by the department, in consultation with the examination provider, to be indicative of language proficiency.

3. If the primary language of a student in grades 9 through 12 is other than English, he shall do both of the following to qualify for the state seal of biliteracy:

a. a composite score of proficient on an English language development assessment that addresses all modes of communication; and

b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:1944, and 17:1945.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019).

Subchapter B. Academic Programs of Study

§2361. Science

A. The science course offerings for the college diploma shall be as follows.

Course Title(s)	Units

IB Physics II	1
AP Physics I	1
AP Physics II	1
AP Biology	1

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:2605 (December 2007), LR 36:1494 (July 2010), LR 40:1000 (May 2014), LR 40:2528 (December 2014), LR 43:1288 (July 2017), LR 45:37 (January 2019).

Shan N. Davis

Executive Director

1901#028

RULE

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Preventive Programs and High School Graduation Requirements (LAC 28:LXXIX.1301, 1309 and 2109)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The amendments align state policy with Acts of the 2018 Regular Legislative Session, requiring: instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education; teachers, school counselors, principals and certain other administrators to receive two hours of annual in-service training in suicide prevention; and uncouple AP physics I and AP physics II for purposes of earning TOPS credit. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Chapter 13. Preventive Programs §1301. Substance Abuse

A. - B. ...

C. Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to this Section will include the information that mixing opioids and alcohol can cause accidental death.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3079 (December 2005), LR 45:37 (January 2019).

§1309. Suicide Prevention

A. Teachers, school counselors, principals and certain other school administrators in public elementary and secondary schools will receive two hours of annual in-service training in suicide prevention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 17:437.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:38 (January 2019).

Chapter 21. Curriculum and Instruction

Subchapter C. Secondary Schools

§2109. High School Graduation Requirements

A. - C.7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. - 2.d.xiv. ...

3. science—four units:

a. - c.vi.(b). ...

vii. one of:

(a). - (b). ...

(c). AP physics I;

viii. one of:

(a). - (c). ...

(d). AP physics II;

ix. one of:

(a). biology II;

(b). AP biology;

(c). IB biology I;

(d). IB biology II;

(e). human anatomy and physiology;

x. - x.(e). Repealed.

4. - 4.c.viii. ...

ix. AP psychology;

D.5. - F.3.b. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019).

Shan N. Davis
Executive Director

1901#029

RULE

Board of Elementary and Secondary Education

Teaching Authorizations (LAC 28:LXXIX.123 and 125; CXV.501 and 504; CXXXI.311 and Chapter 9; CXXXIX.2107, 2903, and 2905; and CLXXII.101 and 103)

Editor's Note: These Sections are being repromulgated to correct citation errors. The original Rule can be viewed in its entirety on pages 2132-2137 of the December 20, 2018 edition of the *Louisiana Register*.

In accordance with R.S. 17:6 and 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*; *Bulletin 741—Louisiana Handbook for School Administrators*; *Bulletin 746—Louisiana Standards for State Certification of Personnel*; *Bulletin 126—Charter Schools*; and *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*. The revisions align state policy with Act 634 of the 2018 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

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

Chapter 1. Operation and Administration

§125. Teaching Authorization

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school, that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXII, Bulletin 745.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2132 (December 2018), repromulgated LR 45:38 (January 2019).

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§504. Teaching Authorization

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXII, Bulletin 745.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2132 (December 2018), repromulgated LR 45:38 (January 2019).

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 29. Charter School Staff

§2903. Teaching Authorizations

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to anyone seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXII, Bulletin 745.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019).

Part CLXXII. Bulletin 745—Louisiana Teaching Authorizations of School Personnel

Chapter 1. Teaching Authorizations

§101. Introduction

A. This Chapter provides for rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to anyone seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019).

§103. Teaching Authorizations

A. In accordance with Act 634 of the 2018 Regular Legislative Session, a teaching authorization (TA) shall be required for individuals seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. A TA shall be denied to anyone who has:

1. submitted fraudulent documentation to the board or the state Department of Education;
2. facilitated cheating on any state assessment administered to students; and
3. been convicted of or pled nolo contendere to a felony offense.

C. Eligibility Guideline

1. The applicant is seeking employment in a Louisiana public or nonpublic school in a role in which a Louisiana teaching certificate is not required.

D. A request for a TA must be submitted directly to the LDE by the employing school governing authority where the individual is seeking employment.

E. A TA is valid only for the period during which the individual is employed by the employing school governing authority making the initial TA request.

F. An individual seeking to change employing school systems must be issued a new TA.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019).

§105. Suspension and Revocation of Teaching Authorizations for Criminal Offenses

A. A Louisiana teaching authorization shall be suspended and revoked if the individual holding the teaching authorization has been convicted of any felony offense whatsoever. If the Louisiana teaching authorization of an individual is expired, and the individual has been convicted of a felony offense, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department is notified that any teacher has been convicted of a specific crime:

1. departmental staff shall attempt to contact the educator to inform him/her that the department has information regarding a criminal conviction and is proceeding under this policy to suspend the teaching authorization;

2. the teacher shall have 10 days from the date of notification to provide verification that he/she has not been convicted of a criminal offense. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence;

3. if the teacher cannot be reached or if his/her employment status cannot be determined, suspension of the authorization shall proceed, as will all other steps in the process outlined in this policy;

4. if the department determines that there is evidence that an educator has been convicted of a criminal offense, the teaching authorization issued to that educator shall be suspended. The board, the educator, and the employing school system shall be notified that the teaching authorization has been suspended pending official board action per revocation proceedings;

5. the educator shall be notified by any appropriate means of notice that his/her teaching authorization has been suspended and that the teaching authorization will be revoked unless documentation is provided verifying that he/she was not convicted of the crime. The educator shall provide copies of any documentation that verifies his/her identity and refutes the existence of a criminal conviction;

6. if the conviction upon which a teaching authorization has been suspended or revoked is reversed, such action shall be communicated to the board through documentation provided by the applicant. The board may receive such information and order reinstatement of the teaching authorization;

7. upon official action by the board, any educator whose teaching authorization has been revoked shall be notified of such action. The correspondence shall include instructions for and identification of the date when the individual may apply to the board for reinstatement of his/her teaching authorization.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019).

§107. Suspension and Revocation of Teaching

Authorizations Due to Participation in Cheating

A. A Louisiana teaching authorization shall be suspended and revoked if the individual holding the teaching authorization has been found by the LDE to have participated in cheating, as defined in LAC 28:CXXXI.903. If the Louisiana teaching authorization of an individual has expired, and the individual has been found to have participated in cheating, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department has determined that any teacher or administrator has been found to have participated in cheating, the following process shall take place.

1. Departmental staff shall attempt to contact the teacher or administrator with notification that the department has information regarding his/her participation in cheating and is proceeding under this policy to suspend the teaching authorization.

2. The teacher or administrator shall have 10 working days from the date of notification to provide verification that he/she has not been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence.

3. If the teacher or administrator cannot be reached, suspension of the teaching authorization shall proceed, as will all other steps in the process outlined in this policy.

4. If the department determines that a teacher or administrator was found to have participated in cheating, the teaching authorization shall be suspended. The board, the educator, and the employing school system shall be notified that the teaching authorization has been suspended pending official board action per revocation proceedings.

5. The educator or administrator shall be notified by any appropriate means that his/her teaching authorization has been suspended and that the authorization will be revoked unless documentation is provided verifying that he/she was not found to have participated in cheating.

6. If the department subsequently determines that the teacher or administrator did not participate in cheating, such action shall be communicated to the department and/or the board through documentation provided by the department. The board may receive such information and may order reinstatement of the teaching authorization.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019).

§109. Suspension and Revocation of Teaching Authorizations due to Fraudulent Documentation

A. A Louisiana teaching authorization shall be suspended or revoked if an educator presents fraudulent documentation pertaining to his/her teaching authorization to the board or the LDE. If the Louisiana teaching authorization of an individual is expired, and the individual has submitted fraudulent documents pertaining to authorization, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. The department shall conduct an investigation prior to determining that an educator has submitted fraudulent documentation pertaining to his/her teaching authorization. Upon confirmation of the information investigated, the department shall notify the educator that his/her teaching authorization has been suspended pending official board action per revocation proceedings.

C. Such records review shall be limited to the issue of whether or not the document submitted was fraudulent. The educator shall provide the board with any documentation that will refute the fraudulent nature of the document.

D. The committee of the board shall make a recommendation to the full board, based on documentation received from the department and the teacher, whether the teaching authorization should be revoked. The decision of the board shall be transmitted to the local school board and to the affected educator.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019).

§111. Reinstatement of Teaching Authorizations

A. Reinstatement will never be considered for an educator who has been convicted of a felony for the following crimes.

1. R.S. 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:46.2, 14:46.3, 14:46.4, 14:78, 14:78.1, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.2, 14:81.3, 14:81.4, 14:82, 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92, 14:93, 14:93.3, 14:93.5, 14:106, 14:283, and 14:286.

B. Reinstatements of teaching authorization shall not be considered until at least five years have elapsed from the date of entry of final conviction, submission of fraudulent documentation, or the date of investigation results regarding the participation in cheating, which resulted in teacher authorization suspension, revocation, or denial.

C. An applicant may apply to the board for reinstatement of his/her Louisiana teaching authorization after the lapse of time indicated in Subsection B of this Section and under the following conditions.

1. There have been no further convictions, submission of fraudulent documentation, or investigations regarding participation in cheating.

2. In criminal cases, there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide:

- a. relevant documentation; and
- b. a current state and FBI criminal history background check from state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole and probation.

D. Applicant Responsibilities

1. Contact the office of the Board of Elementary and Secondary Education and request a records review for reinstatement of the authorization.

2. Provide each applicable item identified in Subsection C of this Section, evidence that all requirements for teaching authorization have been successfully completed, and further documentation evidencing rehabilitation. The applicant is recommended to provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials, or from other community leaders.

E. State Board Responsibilities

1. The board will consider the request for reinstatement and documentation provided. The board is not required to conduct a reinstatement records review and may summarily deny a request for issuance/reinstatement.

2. If the board or its designees decide to conduct a reinstatement records review, board staff shall notify the applicant of a date, time, and place when a committee of the board shall consider the applicant's request. Only the written documentation provided prior to the records review will be considered.

3. The board reserves the right to accept or reject any document as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for reinstatement of a teaching authorization.

4. In accordance with R.S. 42:17, the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.

5. The board may deny any request for issuance by any applicant who:

- a. failed to disclose prior criminal convictions or expungements;
- b. falsified academic records;
- c. has been found to have participated in cheating in the administration of standardized tests; or
- d. received further criminal convictions or participated in cheating; or
- e. has had additional professional license/certificate censure.

6. The committee of the board shall make a recommendation to the full board regarding whether the teaching authorization issued to the applicant should be issued, reinstated, suspended for an additional period of time, or remain revoked. Board staff shall notify the applicant of the board action.

7. The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019).

Shan N. Davis
Executive Director

1901#025

RULE

**Department of Health
Board of Nursing**

Reinstatement of Licensure (LAC 46:XLVII.3415)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, the Louisiana State Board of Nursing (LSBN) has amended §3415, Reinstatement of Licensure. Our mission is "To safeguard the life and health of the citizens of Louisiana by assuring persons practicing as registered nurses and advanced practice registered nurses are competent and safe". The Rule change revises the criteria set forth in Title 46, Professional and Occupational Standards, Part XLVII Chapter 34, Disciplinary Proceedings: Alternative to Disciplinary Proceedings, §3415. The RN and/or APRN is now able to submit an application for reinstatement if his/her license has been revoked, but the application will not be considered for reinstatement if the license has been: 1. revoked permanently, 2. declared revoked permanently, or 3. less than five years from date the board's revocation order became a final judgement. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLVII. Nurses: Practical Nurses and
Registered Nurses**

Subpart 2. Registered Nurses

**Chapter 34. Disciplinary Proceedings: Alternative to
Disciplinary Proceedings
§3415 Reinstatement of License**

A. An application for reinstatement of a suspended, revoked, or surrendered license shall be in writing in the form prescribed by the board. Applications and supporting documentation shall be submitted to the board at least 21 days prior to the scheduled hearing or conference.

B. The application for reinstatement of a suspended or a revoked license does not require satisfaction of the requirements for initial licensure. However, the requirements of LAC 46: XLVII.3333 and 3335 shall be met.

C. Prior to reinstatement of a license previously suspended (except for nonpayment of fees) or revoked, a hearing or conference is held before the board or staff 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 or staff to evaluate changes in the person or conditions. In certain situations, the license may be reinstated by consent order or settlement order. The burden of proof is on the applicant to

prove the conditions that led to the suspension or revocation no longer exist and/or no longer affect applicant's ability to practice safely. If reinstatement is granted, a period of probation with stipulations may be imposed.

D. In addition to the requirements of Subsections A, B, and C of this Section, an application for reinstatement of a revoked license shall not be submitted and shall not be considered by the board or by board staff until after five years pass from the date the board's revocation order became a final judgement.

E. The board and board staff shall not accept and shall not consider an application for reinstatement from a person whose license or licenses were revoked permanently or were declared revoked permanently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:921, R.S. 37:922 and R.S. 37: 923

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7.77 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1060 (December 1990), LR 24:1293 (July 1998), amended by the Department of Health, Board of Nursing, LR 45:41 (January 2019).

Dr. Karen C. Lyon
Executive Director

1901#001

RULE

**Department of Health
Board of Pharmacy**

Drugs of Concern—Naloxone (LAC 46:LIII.2901)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended §2901 of Chapter 29—Prescription Monitoring Program, to amend the definition of the term “drugs of concern.” The Rule will add the phrase “whose use requires tracking for public health purposes” and will add the drug naloxone to the list of drugs identified as drugs of concern. The effect of the Rule will require pharmacies to include dispensing transactions of naloxone in their reports to the state prescription monitoring program. The Rule also makes a technical correction to the name of another state agency. This rulemaking activity is required by Act 146 of the 2018 Legislature. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:

* * *

Dispenser—a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

a. - c. ...

d. a wholesale distributor of such controlled substance or drug that is credentialed by the Louisiana Board of Drug and Device Distributors.

* * *

Drugs of Concern—drugs other than controlled substances as defined by rule whose use requires tracking for public health purposes or which demonstrate a potential for abuse, including any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, ethers, isomers, and salts of isomers [whenever the existence of such salts, esters, ethers, isomers, and salts of isomers is possible within the specific chemical designation]:

a. butalbital when in combination with at least 325 milligrams of acetaminophen per dosage unit.

b. naloxone.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended LR 39:314 (February 2013), amended LR 40:1096 (June 2014), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 45:42 (January 2019).

Malcolm J Broussard
Executive Director

1901#017

RULE

**Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers
New Opportunities Waiver—Complex Care Services
(LAC 50:XXI.Chapter 137 and 13933 and 14301)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Chapter 137 and §13933 and §14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

**Part XXI. Home and Community-Based Services
Waivers**

Subpart 11. New Opportunities Waiver

Chapter 137. General Provisions

§13701. Introduction

A. - D. ...

E. Only the following NOW services shall be provided for, or billed for, the same hours on the same day as any other NOW service:

1. ...

2. supported independent living;
3. complex care service; and
 - a. - e. Repealed.
4. skilled nursing services. Skilled nursing services may be provided with:
 - a. substitute family care;
 - b. supported independent living;
 - c. day habilitation;
 - d. supported employment (all three modules); and/or
 - e. prevocational services.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1201 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:1647 (August 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:68 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:50 (January 2018), LR 45:42 (January 2019).

§13703. Participant Qualifications and Admissions Criteria

A. In order to qualify for the New Opportunities Waiver (NOW), an individual must be three years of age or older and meet all of the following criteria:

1. - 8. ...

B. - C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1201 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:96 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2528 (December 2017), LR 45:43 (January 2019).

§13705. Denial of Admission or Discharge Criteria

A. Individuals shall be denied admission to or discharged from the NOW if one of the following criteria is met:

1. - 6. ...

7. the individual fails to cooperate in the eligibility determination/re-determination process and in the development or implementation of the approved POC;

8. continuity of services is interrupted as a result of the individual not receiving a NOW service during a period of 30 or more consecutive days. This does not include interruptions in NOW services because of hospitalization, institutionalization (such as ICFs-DD or nursing facilities), or non-routine lapses in services where the family agrees to provide all needed or paid natural supports. There must be documentation from the treating physician that this interruption will not exceed 90 days. During this 90-day period, the Office for Citizens with Developmental Disabilities (OCDD) will not authorize payment for NOW services; and/or

9. there is no justification, based on a uniform needs-based assessment and a person-centered planning discussion,

that the NOW is the only OCDD waiver that will meet the participant's needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1202 (June 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities LR 40:69 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:51 (January 2018), LR 45:43 (January 2019).

Chapter 139. Covered Services §13933 Complex Care

A. The complex care service provides additional support to individuals currently receiving qualified waiver services who have complex medical and/or behavioral needs, and are at a higher risk of institutionalization.

1. The integration of the complex care waiver service provides supports that focus on the prevention of deteriorating or worsening medical or behavioral conditions.

2. The complex care service will be re-evaluated to determine ongoing need.

B. Determination Process

1. Medical

a. Non-complex medical tasks must be delegated by a registered nurse to a non-licensed direct service worker (DSW) according to the provisions of LAC 48:I.Chapter 92, Subchapter D, Medication Administration and Noncomplex Tasks in Home and Community-Based Settings.

b. Individuals must require at least two of the following non-complex nursing tasks:

i. suctioning of a clean, well-healed, uncomplicated mature tracheostomy in an individual who has no cardiopulmonary problems and is able to cooperate with the person performing the suctioning (excludes deep suctioning);

ii. care of a mature tracheostomy site;

iii. removing/cleaning/replacing inner tracheostomy cannula for mature tracheostomy;

iv. providing routine nutrition, hydration or medication through an established gastrostomy or jejunostomy tube (excludes naso-gastrostomy tube);

v. clean intermittent urinary catheterization;

vi. obtaining a urinary specimen from a port of an indwelling urinary catheter; or

vii. changing a colostomy appliance;

viii. ensuring proper placement of nasal cannula (excludes initiation/changing of flow rate;

ix. capillary blood glucose testing;

x. simple wound care (including non-sterile/clean dressing removal/application);

xi. Other delegable non-complex tasks as approved by OCDD; and

c. documented evidence that home health/skilled nursing agencies cannot provide the service via other available options, such as the Medicaid State Plan.

2. Behavioral

a. The individual meets two of the following items:

i. specific behavioral programming/procedures are required, or the individual receives behavioral health treatment/therapy and needs staff assistance on a daily basis

to complete therapeutic homework or use skills/coping mechanisms being addressed in therapy;

ii. staff must sometimes intervene physically with the individual beyond a simple touch prompt or redirect, or the individual's environment must be carefully structured based on professionally driven guidance/assessment to avoid behavior problems or minimize symptoms; or

iii. a supervised period of time away is needed at least once per week. This may manifest by the presence of severe behavioral health symptoms on a weekly basis that restricts the individual's ability to work, go to school and/or participate in his/her community; and

b. The individual requires one of the following due to the items listed in a-a.iii above:

i. higher credentialed staff (college degree, specialized licensing, such as registered behavior technician [RBT], applied behavior analysis [ABA], etc.), advanced behavioral training for working with individuals with severe behavioral health symptoms or significant experience working with this population; or

ii. the need for higher qualified supervision of the direct support of staff (master's degree, additional certification, such as board certified behavior analyst [BCBA], etc.), and the expertise is not available through other professionals/services.

C. Complex care is not a billable service for waiver participants who do not receive individual and family support services.

D. Complex care service must be approved for waiver participants receiving IFS hours in addition to 12 or more hours of skilled nursing per day.

E. Complex care service providers must be licensed home and community-based services (HCBS) providers with a personal care attendant module.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:43 (January 2019).

Chapter 143. Reimbursement

§14301. Unit of Reimbursement

A. - B.3. ...

C. The following services are paid through a per diem:

1. - 2. ...

3. supported employment-follow along;

4. adult companion care; and

5. complex care.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:58 (January 2018), LR 45:44 (January 2019).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1901#058

RULE

Department of Health Bureau of Health Services Financing

Medicaid Eligibility

Children's Health Insurance Program Reauthorization Act Option for Lawfully Resident Children (LAC 50:III.2329 and 2523)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:III.2329 and to repromulgate the provisions of the June 20, 1998 Rule governing Medicaid Eligibility for non-citizens in order to adopt this Rule into LAC 50:III.2523, pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2329. Lawfully Resident Children

A. The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, Public Law No. 111-3, established provisions which allow states the option of providing Medicaid and Children's Health Insurance Program (CHIP) coverage to children up to age 19 who are lawfully residing in the United States, including those within their first five years of having certain legal status.

B. The department shall utilize the CHIPRA Option under P.L. 111-3 provisions for the enrollment of children, up to age 19, who are lawfully residing in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:44 (January 2019).

Chapter 25. Eligibility Factors

§2523. Citizenship

A. Qualified Non-Citizens

1. The department hereby adopts criteria for the coverage of qualified non-citizens pursuant to the provisions of §401 of the Personal and Work Opportunity Act of 1996 (P.L. 104-193) as amended by the Balanced Budget Act of 1997 (P.L. 105-33).

2. The department elects to provide regular Medicaid coverage to optional qualified non-citizens who were in the United States prior to August 22, 1996, who meet all eligibility criteria.

3. Qualified non-citizens entering the United States on or after August 22, 1996 are not eligible for Medicaid coverage for five years after entry into the United States.

a. Such qualified non-citizens are eligible for emergency services only.

b. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the qualified non-citizen meets all eligibility criteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:44 (January 2019).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1901#059

RULE

Department of Health Bureau of Health Services Financing

Nurse Licensure Compact (LAC 48:I.Chapter 88)

The Department of Health, Bureau of Health Services Financing has adopted LAC 48:I.Chapter 88 as authorized by R.S. 36:254 and R.S. 37:1018-1020. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48.

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 88. Nurse Licensure Compact

§8801. Definitions

Department—the Louisiana Department of Health (LDH), the department.

Health Standards Section (HSS)—the section in LDH responsible for licensing health care facilities and agencies, certifying facilities and agencies applying for participation in the Medicaid (title XIX) and Medicare (title XVIII) programs, and conducting surveys and inspections.

Home State—the party state which is the nurse's primary state of residence.

Licensing Board—a party state's regulatory body responsible for issuing nurse licenses.

Multi-State License—a license to practice as a registered nurse (RN) or a licensed practical nurse/licensed vocational nurse (LPN/LVN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multi-state licensure privilege.

Multi-State Licensure Privilege—a legal authorization associated with a multistate license permitting the practice of nursing as either an RN or LPN/LVN in a remote state.

Nurse—registered nurse (RN) or licensed practical nurse/licensed vocational nurse (LPN/LVN), as defined by each party state's practice laws.

Nurse Licensure Compact (NLC)—Part V of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1018 through 1020.

Party State—any state that has adopted the Nurse Licensure Compact.

Remote State—a party state other than the home state.

Single-State License—a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multi-state licensure privilege to practice in any other party state.

State—a state, territory or possession of the United States and the District of Columbia.

State Practice Laws—a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:45 (January 2019).

§8803. General Administration

A. Pursuant to R.S. 37:1018-1020 et seq., all health care entities licensed and/or certified by the Health Standards Section of LDH including, but not limited to, those specified in §8803.B.1-25 shall:

1. register with the National Council of State Boards of Nursing's (NCSBN) Nursys e-Notify system; and

2. provide required nurse data for collection of aggregate data from employees on the number and geographic representation of registered nurses (RNs) and licensed practical nurses/licensed vocational nurses (LPNs/LVNs) employed in Louisiana practicing pursuant to a multi-state or single state license, as determined by the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Practical Nurse Examiners (LSBPNE).

B. Once registered, the licensed facility/agency, the LSBN and the LSBPNE shall have real-time access to nurse licensure verification including expirations, upcoming renewals and discipline from all nurse licensure compact states. The real-time notifications shall be delivered to employer inboxes automatically and immediately available to the requisite nursing boards prior to an RN or LPN/LVN furnishing any such services in one or more of the following licensed and/or certified health care facilities and agencies:

1. nursing facilities (NF);
2. home health agencies (HHA);
3. hospice agencies;
4. emergency medical transportation services (EMTS);
5. behavioral health services (BHS) providers;

6. home and community-based services (HCBS) providers;
7. adult day health care (ADHC) providers;
8. intermediate care facility for people with developmental disabilities (ICF-DD);
9. adult residential care providers (ARCP);
10. hospitals;
11. rural health clinics (RHC);
12. outpatient physical therapy (OPT) clinics;
13. comprehensive outpatient rehabilitation facilities (CORF);
14. pediatric day health care (PDHC) facilities;
15. end stage renal disease (ESRD) clinics;
16. federally qualified health centers (FQHC);
17. forensic supervised transitional residential and aftercare (FSTRA) facilities;
18. psychiatric residential treatment facilities (PRTF);
19. therapeutic group homes (TGH);
20. ambulatory surgical centers (ASC);
21. outpatient abortion facilities (OAF);
22. support coordination agencies (SCA);
23. adult brain injury (ABI) facilities;
24. community mental health centers (CMHC); and
25. portable x-ray providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:45 (January 2019).

§8805. Licensed Facility and Agency Requirements

A. In accordance with federal, state and local laws, rules and regulations, agencies and facilities licensed by the department shall comply with state nurse licensure laws to ensure the health and safety of the public.

B. The governing body of the health care facility or agency licensed by the department shall be responsible for registering with the NCSBN’s Nursys e-Notify system (or other system as designated by the state board of nursing).

C. Facilities and agencies licensed by the department as health care providers shall report data to the applicable state nurse licensing board on the number and geographic representation of RNs and LPNs/LVNs employed by the licensed health care facility or agency practicing pursuant to a multi-state license, as determined by the respective licensing board.

D. The report shall be completed prior to an RN or LPN/LVN furnishing any nursing services in this state. Failure of an employer to submit this data to the board shall not be a basis for disciplinary action against or restriction of the multi-state license of any RN or LPN/LVN.

E. The governing body of the licensed health care facility or agency shall be responsible for the development, implementation and enforcement of policies and procedures related to §8805.A-D, as applicable to the facility or agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 37:1018-1020.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:46 (January 2019).

Rebekah E. Gee MD, MPH
Secretary

1901#060

RULE

**Department of Insurance
Office of the Commissioner**

**Medicare Supplemental Insurance Minimum
Standards (LAC 37:XIII.Chapter 5)**

Editor's Note: This Section is being repromulgated to correct a citation error. The original Rule can be viewed in its entirety on page 2189 of the December 20, 2018 edition of the Louisiana Register.

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., has amended Regulation 33—Medicare Supplemental Insurance Minimum Standards.

The regulation has been amended to be in uniform with the Medicare Access and CHIP Reauthorization Act of 2015 (“MACRA”), which was signed into law on April 16, 2015. Section 401 of MACRA prohibits the sale of Medigap policies that cover Part B deductibles to “newly eligible” Medicare beneficiaries defined as those individuals who: have attained age 65 on or after January 1, 2020; or first become eligible for Medicare due to age, disability or end-stage renal disease, on or after January 1, 2020. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 5. Regulation 33—Medicare Supplement Insurance Minimum Standards

§560. Required Disclosure Provisions

A. - D.3.b. ...

4. the following items shall be included in the outline of coverage in the order prescribed below.

Benefit Chart of Medicare Supplement Plans Sold for Effective Dates on or After June 1, 2010

This chart shows the benefits included in each of the standard Medicare supplement plans. Every company must make Plan “A” available. Some plans may not be available in Louisiana.

Basic Benefits:

- Hospitalization – Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
- Medical Expenses – Part B coinsurance (generally 20% of Medicare-approved expenses) or copayments for hospital outpatient services. Plans K, L and N require insureds to pay a portion of Part B coinsurance or co-payments.
- Blood – First three pints of blood each year.
- Hospice – Part A coinsurance

A	B	C	D	F	F*	G
Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance*		Basic, including 100% Part B coinsurance
		Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance		Skilled Nursing Facility Coinsurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible		Part A Deductible
		Part B Deductible		Part B Deductible		
				Part B Excess (100%)		Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency		Foreign Travel Emergency
K	L	M	N			
Hospitalization and preventive care paid at 100%; other basic benefits paid at 50%	Hospitalization and preventive care paid at 100%; other basic benefits paid at 75%	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance, except up to \$20 copayment for office visit, and up to \$50 copayment for ER			
50% Skilled Nursing Facility Coinsurance	75% Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance			
50% Part A Deductible	75% Part A Deductible	50% Part A Deductible	Part A Deductible			
		Foreign Travel Emergency	Foreign Travel Emergency			
Out-of-pocket limit \$[5240]; paid at 100% after limit reached	Out-of-pocket limit \$[2620]; paid at 100% after limit reached					

* Plan F also has an option called a high deductible Plan F. This high deductible plan pays the same benefits as Plan F after one has paid a calendar year \$[2240] deductible. Benefits from high deductible plan F will not begin until out-of-pocket expenses exceed \$[2240]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but do not include the plan’s separate foreign travel emergency deductible.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]

Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]

[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult *Medicare and You* for more details.

Benefit Chart of Medicare Supplement Plans Sold on or after January 1, 2020

This chart shows the benefits included in each of the standard Medicare supplement plans. Some plans may not be available. Only applicants’ first eligible for Medicare before 2020 may purchase Plans C, F, and high deductible F.

NOTE: A ✓ MEANS 100% OF THE BENEFIT IS PAID.

Benefits	Plans Available to All Applicants								Medicare first eligible before 2020 only	
	A	B	D	G ¹	K	L	M	N	C	F ¹
Medicare Part A coinsurance and hospital coverage (up to an additional 365 days after Medicare benefits are used up)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Medicare Part B coinsurance or Copayment	✓	✓	✓	✓	50%	75%	✓	✓ copays apply ³	✓	✓

Benefits	Plans Available to All Applicants								Medicare first eligible before 2020 only	
	A	B	D	G ¹	K	L	M	N	C	F ¹
Blood (first three pints)	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Part A hospice care coinsurance or copayment	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Skilled nursing facility coinsurance			✓	✓	50%	75%	✓	✓	✓	✓
Medicare Part A deductible		✓	✓	✓	50%	75%	50%	✓	✓	✓
Medicare Part B deductible									✓	✓
Medicare Part B excess charges				✓					✓	✓
Foreign travel emergency (up to plan limits)			✓	✓			✓	✓	✓	✓
Out-of-pocket limit in [2018] ²					[\$5,240] ²	[\$2,620] ²				

¹ PLANS F AND G ALSO HAVE A HIGH DEDUCTIBLE OPTION WHICH REQUIRE FIRST PAYING A PLAN DEDUCTIBLE OF [\$2240] BEFORE THE PLAN BEGINS TO PAY. ONCE THE PLAN DEDUCTIBLE IS MET, THE PLAN PAYS 100% OF COVERED SERVICES FOR THE REST OF THE CALENDAR YEAR. HIGH DEDUCTIBLE PLAN G DOES NOT COVER THE MEDICARE PART B DEDUCTIBLE. HOWEVER, HIGH DEDUCTIBLE PLANS F AND G COUNT YOUR PAYMENT OF THE MEDICARE PART B DEDUCTIBLE TOWARD MEETING THE PLAN DEDUCTIBLE.

² PLANS K AND L PAY 100% OF COVERED SERVICES FOR THE REST OF THE CALENDAR YEAR ONCE YOU MEET THE OUT-OF-POCKET YEARLY LIMIT.

³ PLAN N PAYS 100% OF THE PART B COINSURANCE, EXCEPT FOR A CO-PAYMENT OF UP TO \$20 FOR SOME OFFICE VISITS AND UP TO A \$50 CO-PAYMENT FOR EMERGENCY ROOM VISITS THAT DO NOT RESULT IN AN INPATIENT ADMISSION.

Plan A
Medicare (Part A)—Hospital Services—Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$0	\$[1340] (Part A deductible)
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[670] a day	\$[670] a day	\$0
--Once lifetime reserve days are used:			
--Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
--Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	\$0	Up to \$[167.50] a day
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care	Medicare copayment/Coinsurance	\$0

**NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan A

Medicare (Part B)—Medical Services—Per Calendar Year

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[183] of Medicare Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
Blood First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0
Clinical Laboratory Services —Tests for Diagnostic Services	100%	\$0	\$0

**Plan A
Parts A and B**

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies --Durable medical equipment	100%	\$0	\$0
First \$[183] of Medicare Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare Approved Amounts	80%	20%	\$0

Plan B

Medicare (Part A)—Hospital Services—Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A Deductible)	\$0
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:	All but \$[670] a day	\$[670] a day	\$0
--While using 60 lifetime reserve days			
--Once lifetime reserve days are used:			
--Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
--Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	\$0	Up to \$ [167.50] a day
101st day and after	\$0	\$0	All costs

Services	Medicare Pays	Plan Pays	You Pay
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	Medicare Copayment /coinsurance	\$0

**NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan B
Medicare (Part B)—Medical Services—Per Calendar Year

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible) \$0
Remainder of Medicare- Approved Amounts	Generally, 80%	Generally, 20%	
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services-- Tests for Diagnostic Services	100%	\$0	\$0

Plan B
Parts A and B

Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies --Durable medical equipment	100%	\$0	\$0
First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0

**Plan C
Medicare (Part A)—Hospital Services—Per Benefit Period**

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A Deductible)	\$0
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:	All but \$[670] a day	\$[670] a day	\$0
--While using 60 lifetime reserve days --Once lifetime reserve days are used: Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for out-patient drugs and inpatient respite Care	Medicare co-payment/coinsurance	\$0

**NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan C
Medicare (Part B)—Medical Services—Per Calendar Year**

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	Generally, 80%	Generally, 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services — Tests for Diagnostic Services	100%	\$0	\$0

**Plan C
Parts A and B**

Home Health Care Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment			
First \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

**Plan C
Other Benefits—Not Covered by Medicare**

Foreign Travel—Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan D
Medicare (Part A)—Hospital Services—Per Benefit Period**

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A Deductible)	\$0
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[670] a day	\$[670] a day	\$0
--Once lifetime reserve days are used:			
---Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
---Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0

Services	Medicare Pays	Plan Pays	You Pay
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for outpatient drugs and inpatient respite care	Medicare copayment/coinsurance	\$0

****NOTE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan D
Medicare (Part B)—Medical Services—Per Calendar Year**

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare-Approved Amounts	Generally, 80%	Generally, 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
Blood First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services — Tests For Diagnostic Services	100%	\$0	\$0

**Plan D (continued)
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0

**Plan D
Other Benefits—Not Covered by Medicare**

Foreign Travel—Not Covered by Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan F or High Deductible Plan F
Medicare (Part A)—Hospital Services—Per Benefit Period**

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [\$2240] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [\$2240]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay [\$2240] Deductible,** Plan Pays]	[In Addition to [\$2240] Deductible,** You Pay]
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A Deductible) \$[335] a day	\$0
61st thru 90th day	All but \$[335] a day	\$[670] a day	\$0
91st day and after: --While using 60 lifetime reserve days --Once lifetime reserve days are used:	All but \$[670] a day		\$0
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/coinsurance	\$0

***NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance on any difference between its billed charges and the amount Medicare would have paid.

**Plan F or High Deductible Plan F (Continued)
Medicare (Part B)—Medical Services—Per Calendar Year**

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

[**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year [\$2240] deductible. Benefits from the high deductible Plan F will not begin until out-of-pocket expenses are [\$2240]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	[After You Pay \$2240 Deductible,** Plan Pays]	[In Addition to \$2240 Deductible,** You Pay]
Medical Expenses—In or Out of the Hospital and Outpatient Hospital Treatment , such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare Approved Amounts	Generally, 80%	Generally, 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	\$0

Services	Medicare Pays	[After You Pay \$2240 Deductible,** Plan Pays]	[In Addition to \$2240 Deductible,** You Pay]
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services— Tests For Diagnostic Services	100%	\$0	\$0

**Plan F or High Deductible Plan F
Parts A and B**

Services	Medicare Pays	After You Pay \$2240 Deductible,** Plan Pays	In Addition to \$2240 Deductible,** You Pay
Home Health Care Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment			
First \$[183] of Medicare-Approved Amounts*	\$0	\$[183] (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

**Plan F or High Deductible Plan F (Continued)
Other Benefits—Not Covered by Medicare**

Services	Medicare Pays	After You Pay \$2240 Deductible,** Plan Pays	In Addition to \$2240 Deductible,** You Pay
Foreign Travel—Not Covered by Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

**Plan G or High Deductible Plan G
Medicare (Part A)—Hospital Services—Per Benefit Period**

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year [\$2240] deductible. Benefits from the high deductible Plan G will not begin until out-of-pocket expenses are [\$2240]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	After You Pay \$[2240]Deductible,** Plan Pays	In Addition to \$[2240] Deductible,** You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A Deductible)	\$0
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:	All but \$[670] a day	\$ [670] a day	\$0
--While using 60 lifetime reserve days			
--Once lifetime reserve days are used:			
Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0***
Beyond the additional 365 days	\$0	\$0	All Costs

Services	Medicare Pays	After You Pay \$[2240] Deductible,** Plan Pays	In Addition to \$[2240] Deductible,** You Pay
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/coinsurance	\$0

***NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan G or High Deductible Plan G
Medicare (Part B)—Medical Services—Per Calendar Year**

*Once you have been billed \$[183] of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year \$[2240] deductible. Benefits from the high deductible Plan G will not begin until out-of-pocket expenses are \$[2240]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

Services	Medicare Pays	After you Pay \$[2240] Deductibles,** Plan Pays	In Addition to \$[2240] Deductible,** You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Unless Part B Deductible has been met)]
Remainder of Medicare-Approved Amounts	Generally, 80%	Generally, 20%	\$0
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	100%	\$0
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Unless Part B Deductible has been met)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services —Tests For Diagnostic Services	100%	\$0	\$0

**Plan G or High Deductible Plan G
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Unless Part B Deductible has been met)
Remainder of Medicare-Approved Amounts	80%	20%	\$0

Other Benefits—Not Covered by Medicare

Foreign Travel--Not Covered by Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

Plan K

*You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[5240] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

Medicare (Part A)—Hospital Services—Per Benefit Period

**A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay*
Hospitalization** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[670] (50% of Part A deductible)	\$[670] (50% of Part A deductible)♦
61st thru 90th day	All but \$[335] a day	\$ [335] a day	\$0
91st day and after:	All but \$[670] a day	\$ [670] a day	\$0
--While using 60 lifetime reserve days		100% of Medicare eligible expenses	\$0***
--Once lifetime reserve days are used:	\$0		
--Additional 365 days	\$0	\$0	All costs
--Beyond the additional 365 days			
Skilled Nursing Facility Care** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days			
21st thru 100th day			
101st day and after	All approved amounts	\$0	\$0
	All but \$[167.50] a day	Up to \$[83.75] a day (50% of Part A Coinsurance)	Up to \$[83.75] a day (50% of Part A Coinsurance) ♦
	\$0	\$0	All costs
Blood			
First 3 pints	\$0	50%	50%♦
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including	All but very limited	50% of co-	50% of Medicare

Services	Medicare Pays	Plan Pays	You Pay*
a doctor's certification of terminal illness.	copayment/coinsurance for outpatient drugs and inpatient respite care	payment/coinsurance	co-payment/coinsurance ♦

***NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

**Plan K
Medicare (Part B)—Medical Services—Per Calendar Year**

****Once you have been billed \$[183] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay*
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First \$[183] of Medicare Approved Amounts**** Preventive Benefits for Medicare covered services Remainder of Medicare Approved Amounts	\$0 Generally 80% or more of Medicare approved amounts Generally 80%	\$0 Remainder of Medicare approved amounts Generally 10%	\$[183] (Part B deductible)**** ♦ All costs above Medicare approved amounts Generally 10% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of \$[5240])*
Blood First 3 pints Next \$[183] of Medicare Approved Amounts**** Remainder of Medicare Approved Amounts	\$0 \$0 Generally 80%	50% \$0 Generally 10%	50%♦ \$[183] (Part B deductible)**** ♦ Generally 10% ♦
Clinical Laboratory Services — Tests For Diagnostic Services	100%	\$0	\$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$ [5240] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Plan K
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay*
Home Health Care Medicare Approved Services --Medically necessary skilled care services and medical supplies --Durable medical equipment First \$[183] of Medicare Approved Amounts**** Remainder of Medicare Approved Amounts	100% \$0 80%	\$0 \$0 10%	\$0 \$[183] (Part B deductible) ♦ 10%♦

****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

Plan L

*You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of \$[2620] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

Medicare (Part A)—Hospital Services—Per Benefit Period

**A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay*
Hospitalization** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$(1005) (75% of of Part A deductible)	\$(335) (25% of Part A deductible)♦
61st thru 90th day	All but \$[335] a day	\$(335) a day	\$0
91st day and after:			
--While using 60 lifetime reserve days	All but \$[670] a day	\$(670) a day	\$0
--Once lifetime reserve days are used:			
--Additional 365 days	\$0	100% of Medicare eligible expenses	\$0***
--Beyond the additional 365 days	\$0	\$0	All costs
Skilled Nursing Facility Care** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[125.63] a day (75% of Part A Coinsurance)	Up to \$[41.8] a day (25% of Part A Coinsurance) ♦
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	75%	25%♦
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	75% of co-payment/coinsurance	25% of co-payment/coinsurance♦

***NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan L

Medicare (Part B)—Medical Services—Per Calendar Year

****Once you have been billed \$[183] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay*
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First \$[183] of Medicare Approved Amounts****			
Preventive Benefits for Medicare covered services	\$0	\$0	\$(183) (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80% or more of Medicare approved amounts Generally 80%	Remainder of Medicare approved amounts Generally 15%	All costs above Medicare approved amounts Generally 5% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All costs (and they do not count toward annual out-of-pocket limit of \$[2620])*

Services	Medicare Pays	Plan Pays	You Pay*
Blood First 3 pints	\$0	75%	25%♦
Next \$[183] of Medicare Approved Amounts****	\$0	\$0	[\$183] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5%♦
Clinical Laboratory Services— Tests For Diagnostic Services	100%	\$0	\$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to \$[2620] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

**Plan L
Parts A and B**

Services	Medicare Pays	Plan Pays	You Pay*
Home Health Care Medicare Approved Services			
--Medically necessary skilled care services and medical supplies	100%	\$0	\$0
--Durable medical equipment First \$[183] of Medicare Approved Amounts*****	\$0	\$0	[\$183] (Part B deductible) ♦ 5% ♦
Remainder of Medicare Approved Amounts	80%	15%	

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare*.

**Plan M
Medicare (Part A)—Hospital Services—Per Benefit Period**

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies First 60 days			
61st thru 90th day	All but \$[1340]	\$[670] (50% of Part A deductible)	\$[670] (50% of Part A deductible)
91st day and after:			
--While using 60 lifetime reserve days	All but \$[670] a day	\$[670] a day	\$0
Once lifetime reserve days are used:			
--Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
--Beyond the additional 365 days	\$0	\$0	All Costs
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$[167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for outpatient drugs and inpatient respite care	Medicare co-payment/coinsurance	\$0

**NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time, the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan M

Medicare (Part B)—Medical Services—Per Calendar Year

*Once you have been billed \$[183] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	\$0
Part B Excess Charges (Above Medicare-Approved Amounts)	\$0	\$0	All Costs
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$ [183] (Part B deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services —Tests For Diagnostic Services	100%	\$0	\$0

Parts A and B

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care Medicare Approved Services			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
---Durable medical equipment			
---First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B deductible)
---Remainder of Medicare Approved Amounts	80%	20%	\$0

Other Benefits—Not Covered by Medicare

Foreign Travel--Not Covered by Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

Plan N

Medicare (Part A)—Hospital Services—Per Benefit Period

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

Services	Medicare Pays	Plan Pays	You Pay
Hospitalization* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but \$[1340]	\$[1340] (Part A deductible)	\$0
61st thru 90th day	All but \$[335] a day	\$[335] a day	\$0
91st day and after:	All but \$[670] a day		
--While using 60 lifetime reserve days		\$[670] a day	\$0
Once lifetime reserve days are used:			
--Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0**
--Beyond the additional 365 days	\$0	\$0	All Costs

Services	Medicare Pays	Plan Pays	You Pay
Skilled Nursing Facility Care* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but \$[167.50] a day	Up to \$ [167.50] a day	\$0
101st day and after	\$0	\$0	All costs
Blood			
First 3 pints	\$0	3 pints	\$0
Additional amounts	100%	\$0	\$0
Hospice Care You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for outpatient drugs and inpatient respite care	Medicare co-payment/coinsurance	\$0

**NOTE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time, the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

Plan N (continued)

Medicare (Part B)—Medical Services—Per Calendar Year

*Once you have been billed \$[183] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

Services	Medicare Pays	Plan Pays	You Pay
Medical Expenses —In or Out of the Hospital and Outpatient Hospital Treatment, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B deductible)
Remainder of Medicare-Approved Amounts	Generally 80%	Balance, other than up to \$20 per office visit and up to \$50 per emergency room visit. The co-payment of up to \$50 is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.	Up to \$20 per office visit and up to \$50 per emergency room visit. The co-payment of up to \$50 is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	All Costs
Blood			
First 3 pints	\$0	All Costs	\$0
Next \$[183] of Medicare-Approved Amounts*	\$0	\$0	\$[183] (Part B deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
Clinical Laboratory Services —Tests for Diagnostic Services	100%	\$0	\$0

Parts A and B

Services	Medicare Pays	Plan Pays	You Pay
Home Health Care Medicare Approved Services			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
Durable medical equipment			\$[183] (Part B deductible)
-First \$[183] of Medicare-Approved Amounts*	\$0	\$0	
-Remainder of Medicare-Approved Amounts	80%	20%	\$0

Plan N (continued)
Other Benefits—Not Covered by Medicare

Foreign Travel – Not Covered By Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First \$250 each calendar year	\$0	\$0	\$250
Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$50,000	20% and amounts over the \$50,000 lifetime maximum

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1111 (re-designated from LSA-R.S. 22:224 pursuant to Acts 2008, No. 415, effective, January 1, 2009) and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1495 (August 1999), amended LR 29:2449 (November 2003), LR 31:2918 (November 2005), LR 35:1121 (June 2009), LR 35:1121 (June 2009), LR 44:2190 (December 2018), repromulgated LR 45:46 (January 2019).

James J. Donelon
 Commissioner

1901#008

RULE

**Department of Insurance
 Office of the Commissioner**

Rule 12—Transmission of Forms and Documents
 (LAC 37:XI.901)

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance has amended Rule 12. These amendments serve to relieve those who transmit forms and documents to the Department of Insurance by any electronic means from the burdensome and costly task of sending the filing again by United States Mail. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XI. Rules

Chapter 9. Rule Number 12—Transmission of Forms and Documents

§901. Transmission of Forms and Documents Filed with the Department of Insurance

A. All forms, documents, applications, filings, financial reports, and any and all other forms and types of documents required by law or voluntarily filed with the Commissioner of Insurance by any company regulated by the Office of the Commissioner shall be filed by depositing the same in the United States mail, postage prepaid, and/or electronic transmission. Payment of fees, including license fees, and premium taxes shall be exempt from this Rule.

B. No document of any sort or kind described in §901.A will be accepted or received by the personnel of the department as filed with the department unless the same is transmitted to the department via the United States mail and/or electronic transmission.

C. Upon receipt of such documents mailed to the department, the employees of the department charged with the duty of receiving the same shall cause the envelope in which the document was mailed to the department to be attached to the document received in such a way that it shall remain permanently attached to the same, and no employee of the department may remove said envelope for any reason, except as provided for by law.

D.1. Transmission of documents by private courier service or hand delivery is permissible as long as the documents are:

a. mailed in the United States Postal Service and received by the Department of Insurance on or before the twentieth day after receipt of the private courier delivery, or hand delivery; or

b. sent via electronic transmission such that the transmission is received by the Department of Insurance on or before the twentieth day after receipt of the private courier delivery or hand delivery.

2. A document received in accordance with §901 shall be deemed received on the date of the receipt of the original private courier delivery or hand delivery. Any departmental approval shall be indicated on the initial private courier delivery, or hand delivery.

E. Notwithstanding §901.A through D, requests for public records shall be in accordance with procedures established for public records requests and record management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22.2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 17:1210 (December 1991), amended LR 18:620 (June 1992), amended by the Department of Insurance, Office of the Commissioner, LR 29:41 (January 2003), amended LR 45:63 (January 2019).

James J. Donelon
 Commissioner

1910#010

RULE

**Department of Insurance
 Office of the Commissioner**

Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement, and Prosecution of Insurance Fraud (LAC 37:XI.Chapter 23)

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance has amended Rule 13.

Rule 13 was originally promulgated in 2000, in accordance with the authority provided through R.S. 40:1428 and 1429. Since Rule 13 was originally published, R.S. 40:1428 and 1429 have been amended by Act 369 of the 2001 Regular Session; Act 293 of the 2003 Regular Session; Act 1013 of the 2010 Regular Session; Act 193 of the 2016 Regular Session, and Act 147 of the 2018 Regular Session. These amendments reflect the changes in the law as stated by current law under R.S. 40:1428 and 1429. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE
Part XI. Rules

Chapter 23. Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement, and Prosecution of Insurance Fraud

Editor's Note: Refer to Act No. 369 of the 2001 Regular Legislative Session, Act 293 of the 2003 Regular Legislative Session; Act 1013 of the 2010 Regular Legislative Session; and Act 193 of the 2016 Regular Legislative Session.

§2301. Purposes

A. The purpose of this rule is to implement the provisions of R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state as more fully described in R.S. 40:1421-1429 and this rule. This rule shall be effective upon final publication in the *Louisiana Register*.

B. The fees collected shall be used solely for the purposes of Subpart B of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1421 through 1429, entitled "Insurance Fraud Investigation Unit".

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019).

§2303. Fee Assessment

A. As authorized by R.S. 40:1428, and subject to the limitations provided therein and in this rule, there is hereby assessed an annual fee not to exceed 0.000375 multiplied times the direct premiums received by each insurer licensed by the Department of Insurance to conduct business in this state.

B. The fee shall be assessed for each fiscal year, and shall be based on premiums received in the previous calendar year. The Commissioner of Insurance will notify insurers in writing of the fee assessment owed each fiscal year.

C. The total fees assessed for any year shall not exceed the amount necessary to pay the costs of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state by the programs to which funds are allocated in §2307 of this Rule.

D. Prior to making the allocations specified in §2307 of this Rule, the Commissioner of Insurance is authorized to withhold the sum of \$30,000 per year from the fees collected to defray the expense of collection of the fees, enforcement of this Subpart, and operation of the Department of Insurance and shall withhold \$187,000 to fund the Louisiana

Automobile Theft and Insurance Fraud Prevention Authority pursuant to R.S. 22:2134.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019).

§2305. Limitations on the Fee Assessment

A. The fee shall not be assessed on premiums received on life insurance policies, annuities, credit insurance, crop and livestock insurance, federal flood insurance policies, reinsurance contracts, reinsurance agreements, or reinsurance claims transactions. The fee shall not be assessed on 50 percent of the premiums received on health and accident insurance policies.

B. If the fee assessed for the previous year exceeds by five percent of the cumulative costs of the previous year of operating the insurance fraud programs to which the funds are allocated, the fee assessment for the next year shall be reduced by the amount of the excess in proportion to the assessment, however, any entity listed in §2307(A) of this Rule that expends its allocation shall receive at least the same allocation for the next year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019).

§2307. Allocation of the Fee Assessment

A. Except as otherwise provided in §2303(D) of this rule, fees shall be allocated as follows.

1. Seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police.

2. Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit.

3. Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Section of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019).

§2309. Payment of the Fee Assessment

A. The fee established in R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by R.S. 40:1428(B).

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by R.S. 40:1428(B) shall be credited to the Insurance Fraud Investigation Fund in the state treasury. The monies shall be irrevocably dedicated and deposited in the Insurance Fraud Investigation Fund and shall be used solely as provided in R.S. 40:1428(A) and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes of the fraud unit, fraud support unit, insurance fraud section, LATIFPA, and as

further provided in R.S. 40:1428. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to R.S. 40:1428 on a pro-rata basis based on each insurer's proportionate share of the total fees collected pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019).

§2311. Fines

A. The Commissioner of Insurance may levy a fine on any insurer who fails to pay the fee assessed pursuant to this Section when due. Such fine shall not exceed five percent of the fee per month; however, no fine shall be less than \$100 per month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 40:1428 and R.S. 40:1429.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:65 (January 2019).

§2313. Sunset

A. This rule shall be null, void, and unenforceable on July 1, 2019 in accordance with the sunset provision of R.S. 40:1429, unless legislative authorization for this rule is reenacted prior to July 1, 2019. If such legislation authorization is reenacted prior to July 1, 2019, then this rule shall continue in full force in effect without need for a reenactment, amendment, or re-promulgation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 R.S. 40:1428 and R.S. 40:1429.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), LR 45:65 (January 2019).

James J. Donelon
Commissioner

1901#009

RULE

Department of Natural Resources Office of Conservation

Commercial Facilities Hours of Operation (LAC 43:XIX.533 and 537)

Editor's Note: This Section is being repromulgated to correct a citation error. The original Rule can be viewed in its entirety on page 2214 of the December 20, 2018 edition of the *Louisiana Register*.

The Department of Natural Resources, Office of Conservation has amended LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The amendment implements Act 191 of the 2018 Regular Session, which repealed the commissioner's authority to regulate the hours of operation or receiving of offsite treatment, storage and disposal facilities of E and P Waste. This Rule is hereby adopted on the day of promulgation.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 5. Off-Site Storage, Treatment and/or Disposal of Exploration and Production Waste Generated from Drilling and Production of Oil and Gas Wells

NOTE: Onsite disposal requirements are listed in LAC 43:XIX, Chapter 3.

EDITOR'S NOTE: Statewide Order 29-B was originally codified in LAC 43:XIX as §129. In December 2000, §129 was restructured into Chapters 3, 4 and 5. Chapter 3 contains the oilfield pit regulations. Chapter 4 contains the injection/disposal well regulations. Chapter 5 contains the commercial facility regulations. A cross-reference chart in the December 2000 *Louisiana Register*, page 2798, indicates the locations for the rules in each existing Section.

EDITOR'S NOTE: Chapter 5 was amended in November 2001. A chart showing the restructuring of Chapter 5 is found on page 1898 of the *Louisiana Register*, November 2001.

§533. General Operational Requirements for Commercial Facilities and Transfer Stations

A. - A.6. . . .

B. Commercial facilities and transfer stations shall be adequately manned during hours of receiving and off-loading of E and P Waste.

C. All facilities and systems for treatment, control, and monitoring (and related appurtenances) which are installed or used to achieve compliance with the conditions of a permit shall be properly operated and maintained at all times.

D. Inspection and entry by Office of Conservation personnel shall be allowed as prescribed in R.S. 30:4.

E. Discharges from land treatment cells, tanks, tank retaining walls and/or barges into man-made or natural drainage or directly into state waters will be allowed only after the necessary discharge permit has been obtained from the appropriate state and/or federal agencies and in accordance with the conditions of such permit.

F. A sign shall be prepared, displayed and maintained at the entry of each permitted commercial facility or transfer station. Such sign shall utilize a minimum of 1-inch lettering to state the facility name, address, phone number, and site code shall be made applicable to the activities of each facility according to the following example.

"This E and P Waste (storage, treatment and/or disposal) facility has been approved for (temporary storage, treatment and/or disposal) of exploration and production waste only and is regulated by the Office of Conservation. Violations shall be reported to the Office of Conservation at (225) 342-5515."

G. A vertical aerial color photograph (or series of photographs) with stereoscopic coverage of each Type A land treatment facility must be obtained during the month of October every two years and provided to the Office of Conservation by November 30 of the year the photo is taken. Such photograph(s) must be taken at an original photo scale of 1" = 1000' to 1" = 500' depending on the size of the facility. Photo(s) are to be provided as prints in either 8" x

10" or 9" x 9" formats. The commissioner may require more frequent aerial photos as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1909 (November 2001), amended LR 44:2214 (December 2018), repromulgated LR 45:65 (January 2019).

Richard P. Ieyoub
Commissioner

1901#012

RULE

Department of Natural Resources Office of Conservation

Pipeline Safety (LAC 43:XIII.Chapters 3 and 5)

The Department of Natural Resources, Office of Conservation has amended LAC 43:XIII in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The rule changes are required as a part of the Department of Natural Resources certification agreement with the U.S. Department of Transportation and are intended to adopt existing federal regulations as state regulations.

Title 43

NATURAL RESOURCES

Part XIII. Office of Conservation—Pipeline Safety

Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline [49 CFR Part 191]

Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§301. Scope [49 CFR 191.1]

A. This Chapter prescribes requirements for the reporting of incidents, safety-related conditions, annual pipeline summary data, National Operator Registry information, and other miscellaneous conditions by operators of underground natural gas storage facilities and natural gas pipeline facilities located in the Louisiana, including underground natural gas storage facilities and pipelines within the limits of the Outer Continental Shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331). [49 CFR 191.1(a)]

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 45:66 (January 2019).

§303. Definitions [49 CFR 191.3]

A. As used in Part XIII and in the PHMSA Forms referenced in this Part [49 CFR 191.3]:

* * *

Incident—any of the following events:

a. an event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility, liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:

i. a death, or personal injury necessitating in-patient hospitalization;

ii. estimated property damage of \$50,000 or more, including loss to the operator and others, or both, but excluding cost of gas lost;

iii. unintentional estimated gas loss of three million cubic feet or more;

b. an event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident;

c. an event that is significant in the judgment of the operator, even though it did not meet the criteria of Subparagraphs a or b of this definition.

* * *

Underground Natural Gas Storage Facility—means an underground natural gas storage facility as defined in §503 of this Chapter.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:255 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:66 (January 2019).

§305. Telephonic Notice of Certain Incidents [49 CFR 191.5]

A. ...

B. Each notice required by Subsection A of this Section must be made to the National Response Center either by telephone to (800) 424- 8802 (in Washington, DC, 202 267-2675) or electronically at [http:// www.nrc.uscg.mil](http://www.nrc.uscg.mil) and by telephone to the state of Louisiana to (225) 342-5505 and must include the following information: [49 CFR 191.5(b)]

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 30:1221 (June 2004), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:66 (January 2019).

§307. Report Submission Requirements [49 CFR 191.7]

A. General. Except as provided in Subsection B and Subsection E of this Section, an operator must submit each report required by this part electronically to the Pipeline and Hazardous Materials Safety Administration at <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with Subsection D of this Section. [49 CFR 191.7(a)]

1. Each report required by §307.A, for intrastate facilities subject to the jurisdiction of the Office of

Conservation, must also be submitted to Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275 or may be transmitted by electronic mail to PipelineInspectors@la.gov.

A.1.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:679 (March 2005), LR 33:473 (March 2007), LR 35:2800 (December 2009), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:66 (January 2019).

§315. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Incident Report [49 CFR 191.15]

A. - B. ...

C. Underground Natural Gas Storage Facility. Each operator of an underground natural gas storage facility must submit DOT Form PHMSA F7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 305. [49 CFR 191.15(c)]

D. Supplemental Report. Where additional related information is obtained after a report is submitted under Subsection A or B of this Section, the operator must make a supplemental report as soon as practicable with a clear reference by date to the original report. [49 CFR 191.15(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:255 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:67 (January 2019).

§317. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Annual Report [49 CFR 191.17]

A. - B. ...

C. Underground Natural Gas Storage Facility. Each operator of an underground natural gas storage facility must submit an annual report on DOT PHMSA Form 7100.4-1 by March 15, for the preceding calendar year except that the first report must be submitted by July 18, 2017.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:256 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:67 (Jan 19)

§321. OMB Control Number Assigned to Information Collection [49 CFR 191.21]

A. This Section displays the control number assigned by the Office of Management and Budget (OMB) to the information collection requirements in Chapter 3. The Paperwork Reduction Act requires agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement. [49 CFR 191.21]

OMB Control Number 2137-0522	
Section of 49 CFR Part 191 Where Identified	Form No.
191.5	Telephonic

OMB Control Number 2137-0522	
Section of 49 CFR Part 191 Where Identified	Form No.
191.9	PHMSA7100.1, PHMSA7100.3
191.11	PHMSA7100.1-1, PHMSA7100.3-1
191.15	PHMSA7100.2, PHMSA7100.3
191.17	PHMSA7100.2-1, PHMSA7100.3-1, PHMSA7100.4-1.
191.22	PHMSA1000.1, PHMSA1000.2

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:256 (March 1985), amended LR 20:442 (April 1994), LR 30:1222 (June 2004), LR 38:112 (January 2012), LR 45:67 (January 2019).

§322. National Registry of Pipeline and LNG Operators [49 CFR 191.22]

A. OPID Request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with §307. [49 CFR 191.22(a)]

B. OPID Validation. An operator who has already been assigned one or more OPID by January 1, 2011, must validate the information associated with each OPID through the National Registry of Pipeline, Underground Natural Gas Storage Facility, and LNG Operators at <http://opsweb.phmsa.dot.gov>, and correct that information as necessary, no later than June 30, 2012. [49 CFR 191.22(b)]

C. Changes. Each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at <http://opsweb.phmsa.dot.gov> of certain events. For intrastate facilities subject to the jurisdiction of the Office of Conservation, a copy must also be submitted to Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 191.22(c)]

1. - 1.a. ...

b. construction of 10 or more miles of a new pipeline or replacement pipeline; [49 CFR 191.22(c)(1)(ii)]

c. construction of a new LNG plant or LNG facility; or [49 CFR 191.22(c)(1)(iii)]

d. construction of a new underground natural gas storage facility or the abandonment, drilling or well workover (including replacement of wellhead, tubing, or a new casing) of an injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility. [49 CFR 191.22(c)(1)(iv)]

1.e - 2.b. ...

c. a change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline

segment, pipeline facility, underground natural gas storage facility, or LNG facility; [49 CFR 191.22(c)(2)(iii)]

2.d. - 2.e. ...

f. The acquisition or divestiture of an existing underground natural gas storage facility subject to Subpart 3 of this Part. [49 CFR 191.22(c)(2)(vi)]

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:112 (January 2012), amended LR 44:1032 (June 2018), LR 45:67 (January 2019).

§323. Reporting Safety-Related Conditions [49 CFR 191.23]

A. - A.1. ...

2. in the case of an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well, general corrosion that has reduced the wall thickness to less than that required for the maximum well operating pressure, and localized corrosion pitting to a degree where leakage might result; [49 CFR 191.23(a)(2)]

3. unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the serviceability of a pipeline or the structural integrity or reliability of an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility, or an LNG facility that contains, controls, or processes gas or LNG; [49 CFR 191.23(a)(3)]

4. any crack or other material defect that impairs the structural integrity or reliability of an underground natural gas storage facility or an LNG facility that contains, controls, or processes gas or LNG; [49 CFR 191.23(a)(4)]

5. any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield strength or underground natural gas storage facility, including injection, withdrawal, monitoring, or observations well for an underground natural gas storage facility. [49 CFR 191.23(a)(5)]

6. any malfunction or operating error that causes the pressure of a pipeline, underground natural gas storage facility, or LNG facility that contains or processes gas or LNG to rise above its maximum allowable operating pressure (or working pressure for LNG facilities) plus the build-up allowed for operation of pressure limiting or control devices; [49 CFR 191.23(a)(6)]

7. a leak in a pipeline or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility, or LNG facility that contains or processes gas or LNG that constitutes an emergency; [49 CFR 191.23(a)(7)]

8. inner tank leakage, ineffective insulation, or frost heave that impairs the structural integrity of a LNG storage tank; [49 CFR 191.23(a)(8)]

9. any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a 20 percent or more reduction in operating pressure or shutdown of operation of a pipeline or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an

underground natural gas storage facility, or a LNG facility that contains or processes gas or LNG. [49 CFR 191.23(a)(9)]

B. - B.2. ...

3. exists on a pipeline (other than an LNG facility or Underground Natural Gas Storage Facility) that is more than 220 yards (200 meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway; or [49 CFR 191.23(b)(3)]

B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, amended LR 30:1223 (June 2004), LR 45:68 (January 2019).

§327. Filing Offshore Pipeline Condition Reports [49 CFR 191.27]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:854 (August 1992), amended LR 20:443 (April 1994), LR 30:1224 (June 2004), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 45:68 (January 2019).

Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [Subpart A]

§503. Definitions [49 CFR 192.3]

A. As used in this Part:

Underground Natural Gas Storage Facility—means a facility that stores natural gas in an underground facility incident to natural gas transportation, including:

- a. a depleted hydrocarbon reservoir;
- b. an aquifer reservoir; or
- c. a solution-mined salt cavern reservoir, including associated material and equipment used for injection, withdrawal, monitoring, or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 38:112 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019).

§507. What Documents are Incorporated by Reference Partly or Wholly in this Part? [49 CFR 192.7]

A. - B.9. ...

Source and Name of Referenced Material	Approved for Title 43 Reference
10. API Recommended Practice 1170, "Design and Operation of Solution-mined Salt Caverns Used for Natural Gas Storage," First edition, July 2015 (API RP 1170).	§512

Source and Name of Referenced Material	Approved for Title 43 Reference
11 API Recommended Practice 1171, "Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs," First edition, September 2015, (API RP 1171).	§512
C. - J.I. ...	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005), LR 33:474 (March 2007), LR 35:2801 (December 2009), LR 38:113 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019).

§512. Underground natural gas storage facilities.
[49 CFR 192.12]

A. Underground natural gas storage facilities must meet the following requirements.

1. Each underground natural gas storage facility that uses a solution-mined salt cavern reservoir for gas storage constructed after July 18, 2017 must meet all requirements and recommendations of API RP 1170 (incorporated by reference, see §192.7). [49 CFR 192.12(a)]

2. Each underground natural gas storage facility that uses a solution-mined salt cavern reservoir for storage including those constructed not later than July 18, 2017 must meet the operations, maintenance, integrity demonstration and verification, monitoring, threat and hazard identification, assessment, remediation, site security, emergency response and preparedness, and recordkeeping requirements and recommendations of API RP 1170, sections 9, 10, and 11 (incorporated by reference, see §192.7) by January 18, 2018. [49 CFR 192.12(b)]

3. Each underground natural gas storage facility that uses a depleted hydrocarbon reservoir or an aquifer reservoir for storage constructed after July 18, 2017 must meet all requirements and recommendations of API RP 1171 (incorporated by reference, see §192.7). [49 CFR 192.12(c)]

4. Each underground natural gas storage facility that uses a depleted hydrocarbon reservoir or an aquifer reservoir for gas storage, including those constructed not later than July 18, 2017 must meet the operations, maintenance, integrity demonstration and verification, monitoring, threat and hazard identification, assessment, remediation, site security, emergency response and preparedness, and recordkeeping requirements and recommendations of API RP 1171, sections 8, 9, 10, and 11 (incorporated by reference, see §507) by January 18, 2018. [49 CFR 192.12(d)]

5. Operators of underground gas storage facilities must establish and follow written procedures for operations, maintenance, and emergencies implementing the requirements of API RP 1170 and API RP 1171, as required under this section, including the effective dates as applicable, and incorporate such procedures into their written procedures for operations, maintenance, and emergencies established pursuant to §2705. [49 CFR 192.12(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:69 (January 2019).

Richard P. Ieyoub
Commissioner

1910#018

RULE

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

**Offender Incentive Pay and Other Wage Compensation
(LAC 22:I.331)**

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

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

**§331. Offender Incentive Pay and Other Wage
Compensation**

A. Purpose—to state the secretary’s policy regarding payment of incentive pay and other wage compensation to offenders.

B. Applicability—deputy secretary, undersecretary, chief of operations, director of prison enterprises, regional wardens and wardens. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary’s policy that compensation shall be paid, in accordance with the provisions of this regulation, to offenders who have performed satisfactory work in the job assignment in which they have been classified, except those offenders who opt to receive good time in lieu of incentive pay pursuant to R.S. 15:571.3.

D. Eligibility

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

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

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

the provisions of Subparagraph E.2.a as it applies to job changes.

b. Exception: Offenders participating in a certified apprenticeship program

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

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

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

i. Offenders currently earning good time at a rate of three days for every 17 days served pursuant to Act 1099 of the 1995 Regular Session who are also earning incentive pay shall be allowed to continue to earn incentive pay at authorized rates.

E. Procedures

1. Pay Rules

a. 80 hours in a Two-Week Period

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

ii. Exception: Governor's Mansion

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

b. Actual Hours Worked

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

c. Extra Duty Assignments

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

d. Forfeiture due to disciplinary sanction

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

e. Professional Offender Job Classifications

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

ii. Once eligible to earn incentive pay, if a returning offender is placed in a previously worked

professional offender job classification, the offender shall be paid at the lowest pay rate and shall earn any increases in pay rate by working his way up the pay scale as if he had not previously worked in the professional offender job classification.

iii. For the purpose of this regulation, a professional offender job classification is defined as a peer minister/tutor, mentor/tutor, American Sign Language interpreter, or counsel substitute. (See department regulation nos. B-02-021 "Corrections Reentry Court Workforce Program" and B-07-001 "Educational, Vocational and Occupational Programs and Placement, Tutor Certification Program and American Sign Language Interpreting Program (Including Library Services)" for more information on these job classifications.)

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

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

2. Pay Rates

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

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

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

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

c. A series of pay ranges and a standardized list of job titles shall be established by the director of prison enterprises and approved by the secretary or designee. The institutions shall be assigned limits on the total amount of

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

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

ii. Exception: Offenders in PE job Titles

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

d. All offenders classified in limited duty status (as defined in health care policy no. HC-15 "Duty Status Classification System") and who are eligible to earn incentive pay shall earn at a rate of no more than \$0.04 per hour. This excludes offenders classified as regular duty with restrictions or those with a temporary limited duty status.

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

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

i. Exception: Offenders in NOBTS

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

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

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

g. Offenders assigned to prison enterprises industrial, agricultural, service or other prison enterprises jobs may be compensated at a rate up to \$0.40 per hour, pursuant to R.S. 15:873. The pay range for these jobs shall be established by the director of prison enterprises and approved by the secretary or designee.

h. The following tutors may be paid, on a graduating scale, up to \$1.00 per hour while working as a tutor in the area of certification:

i. Academic offender tutors with an associate degree or higher who achieve certification from the Corrections Education Association (CEA) through the department's peer tutor training program, or

ii. Career and technical education tutors who earn a certificate from National Center for Construction Education and Research (NCCER), Automotive Service Excellence (ASE), or other approved Industry Based Certification (IBC).

i. Certified tutors may earn \$0.75 per hour during the first 12 months after certification and may receive an annual increase of \$0.10 per hour, up to a maximum of \$1.00 per hour.

j. In accordance with the provisions of department regulation no. B-07-001 "Educational, Vocational and Occupational Programs and Placement, Tutor Certification Program and American Sign Language Interpreting Program (Including Library Services)," offenders who have completed the department's American sign language course shall earn incentive pay based upon the highest test score achieved in the Educational Interpreter Performance Assessment (EIPA) or equivalent testing at the following rates.

Test Scores of 2.00 – 2.90	\$0.70 per hour
Test Score of 3.00 – 3.90	\$0.80 per hour
Test Score of 4.00 – 4.90	\$0.90 per hour May be increased to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.

k. In accordance with the provisions of department regulation no. B-02-021 "Corrections Reentry Court Workforce Program," offenders working as a mentor/tutor or peer minister/tutor shall earn incentive pay at the following rates.

Mentor/Tutor:	\$0.50 per hour
Peer Minister/Tutor:	\$0.50 per hour
Certified Mentor/Tutor:	\$0.65 per hour
Lead Certified Mentor/Tutor:	\$0.75 per hour

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

Legal Worker 1	\$0.25 per hour Must be enrolled in paralegal classes or have less than five years legal work experience.
Legal Worker 2	\$0.50 per hour Must have attained paralegal certificate or paralegal degree and have less than three years legal work experience OR have five years legal work experience and no paralegal certificate or paralegal degree.
Legal Worker 3	\$0.80 per hour Must have attained paralegal certificate or paralegal degree and have a minimum of three years legal work experience OR have ten years legal work experience and no paralegal certificate or paralegal degree.

Counsel Substitutes	May receive an annual increase of \$0.05 per hour, up to a maximum of \$1.00 per hour, at the discretion of the secretary or designee.
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m. Offenders assigned as restrictive housing/transitional program mentors/tutors shall be compensated at a rate of up to \$0.75 per hour while working as a mentor/tutor in the restrictive housing/ transitional work program area. Incentive pay shall be earned at the following.

Peer Transitional Mentor/Tutor	\$0.50 per hour
Lead Transitional Mentor/Tutor	\$0.75 per hour

F. Sources of Funding

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

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

b. the division of prison enterprises.

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

a. The private business that employs the offender; or

b. The division of prison enterprises.

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

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

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

James M. Le Blanc
Secretary

1901#034

RULE

**Department of Public Safety and Corrections
Office of State Police**

**First Responders—Best Practices for Administration of
Naloxone or Another Opioid Antagonist
(LAC 55:XXV.Chapter 1)**

The Department of Public Safety and Corrections, Public Safety Services, Office of State Police, in accordance with R.S. 49:950 et seq., R.S. 40:978.1, and R.S.14:403.11, hereby promulgates new rules setting forth a set of best practices for use by a fire department or law enforcement agency, for training necessary to safely and properly administer opioid antagonists to individuals who are undergoing or who are believed to be undergoing an opioid-

related drug overdose, the standards and procedures for the storage and administration of opioid antagonists, and emergency follow-up procedures.

The abuse and addiction to opioids is a global epidemic that is estimated to affect between 26.4 and 36 million people worldwide. Of those addicted in the United States, 2.1 million people are addicted to prescription drugs, and some 517,000 people are addicted to heroin according to estimates from the federal Centers for Disease Control and Prevention (CDC). Opioid-related drug use deaths in the United States and Louisiana have been increasing, and opioid overdose is one of the leading causes of accidental deaths in Louisiana. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone, and hydrocodone.

Opioid antagonists are prescription drugs that displace the opioid from receptors in the brain and can rapidly reverse the life threatening symptoms of an opioid overdose. One common opioid antagonist is naloxone. Opioid antagonists can be administered through intranasal spray and by injection into the muscle, under the skin, or intravenous. They have no euphoric properties and minimal side effects. If administered to a person who is not suffering an opioid overdose, it rarely produces any clinical effects.

R.S. 40:978.1 authorizes first responders to receive a prescription for naloxone or another opioid antagonist, maintain the naloxone or other opioid antagonist in his possession, and administer the naloxone or other opioid antagonist to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose.

R.S. 14:403.11 authorizes first responders to administer, without prescription, opioid antagonists, when encountering an individual exhibiting signs of an opioid overdose.

Both laws require first responders to complete training, at a minimum, on how to recognize symptoms of an opioid-related overdose; standards and procedures for the storage and administration opioid antagonists; and emergency follow-up procedures.

**Title 55
PUBLIC SAFETY**

**Part XXV. First Responder Best Practices for
Administration of Opioid Antagonists**

**Chapter 1. Administration of Opioid Antagonists
§101. Purpose and applicability**

A. Opioid-related overdose is one of the leading causes of accidental deaths in Louisiana. Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet®, Percodan®, and hydrocodone as found in Vicodin®. Opioid antagonists, such as naloxone, displace the opioid from receptors in the brain and can therefore reverse an opiate overdose. It has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opioid-related overdose, it rarely produces any clinical effects. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray. R.S. 40:978.1 and R.S. 14:403.11 provide for first responders to receive and administer opioid antagonists, provide for immunity from liability, and require the promulgation of a set of best practices by the Deputy Secretary of Public Safety Services of the Department of

Public Safety and Corrections for use by a fire department or law enforcement agency in the administration and enforcement of those statutes. In accordance with those statutes, these guidelines establish a set of best practices for fire departments or law enforcement agencies relating to training to safely administer opioid antagonists, standards and procedures for storage of opioid antagonists, and emergency follow-up procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:72 (January 2019).

§103. Definitions

A. As used in this Part, the following words shall mean:

First Responder—any of the following:

- a. a peace officer as defined in R.S. 40:2402
- b. a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state of Louisiana, or any volunteer fireman of the state of Louisiana.

Opioids—includes heroin, fentanyl, morphine, buprenorphine, codeine, hydromorphone, hydrocodone, oxycodone, methadone, oxycodone. Opioids do not include cocaine, benzodiazepines such as Xanax®, amphetamines, or alcohol.

Opioid Antagonists—agents such as naloxone that have high affinity to bind to opiate receptors but do not activate these receptors. This effectively blocks the receptor, preventing the body from responding to opioids and endorphins. These drugs block the effects of externally administered opioids.

Opioid-Related Drug Overdose—a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:73 (January 2019).

§105. Training Requirements

A. First responders who will possess and administer naloxone or other opioid antagonists shall be trained on, at a minimum, the following:

1. standards and procedures for storage and administration of naloxone or other opioid antagonists in accordance with the guidelines of the manufacturer of the product or device. Because opioid antagonists can be administered through a nasal atomizer or through injection, the standards and procedures established by the manufacturer of the specific product or device to be used by the first responder shall be covered in the training;

2. patient assessment in order to recognize the signs/symptoms of an opioid-related overdose, which often includes:

- a. face is extremely pale and/or clammy to the touch;
- b. body is limp;
- c. fingernails or lips have a blue or purple cast;

- d. the patient is vomiting or making gurgling sounds;
 - e. the patient cannot be awakened or is unable to speak;
 - f. breathing is very slow or stopped;
 - g. heartbeat is very slow or stopped.;
3. contraindications of an opioid-related overdose;
 4. emergency follow-up procedures, which may include:

- a. calling 911 if not done prior to the first responder's arrival on scene or the administration of naloxone or other opioid antagonist.

- b. administering a second dose of naloxone or other opioid antagonist if the patient does not respond.

- c. performing rescue breathing or CPR if certified or instructions are provided by a 911 operator or dispatcher.

- d. recognizing typical responses to treatment with naloxone or other opioid antagonists;

5. documenting the administration of naloxone or other opioid antagonists and retaining such documentation in accordance with law and agency policy;

6. safely disposing of used administration devices and replacement of administration devices.

B. It is recommended that training for first responders also include laws relating to possession and administration of naloxone or other opioid antagonists by third parties, and immunity for reporting of drug overdoses.

C. Training resources are available through the Substance Abuse and Mental Health Services Administration (SAMHSA), which has developed an opioid overdose toolkit available online through its website: www.samhsa.gov. Furthermore, the Bureau of Justice Assistance (BJA) has developed a law enforcement naloxone toolkit which is available online through its website: www.bja.gov. Furthermore, as provided by R.S. 40:978.1, a law enforcement agency or fire department may enter into a written agreement to affiliate with an ambulance service provider or a physician for the purposes of obtaining a supply of naloxone or other opioid antagonist or and/or to obtain training necessary to safely and properly administer naloxone or other opioid antagonists to individuals who are believed to be undergoing an opioid-related drug overdose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:73 (January 2019).

§107. Documentation and Tracking

A. In order to help determine the effectiveness of reducing opioid overdoses, records shall be kept of each instance in which a first responder administers naloxone or other opioid antagonist to an individual who is undergoing or believed to be undergoing an opioid-related drug overdose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:73 (January 2019).

§109. Immunity

A. R.S. 40:978.1(E) provides that a first responder who, reasonably believing another person to be undergoing an

opioid-related drug overdose, administers naloxone or another opioid antagonist to that person, shall be immune from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute for any outcomes resulting from the administration of the naloxone or another opioid antagonist to that person, unless personal injury results from the gross negligence or willful or wanton misconduct of the first responder administering the drug.

B. R.S. 14:403.11(C)(2) provides that any first responder administering an opiate antagonist in a manner consistent with addressing opiate overdose shall not be liable for any civil damages as a result of any act or omission in rendering such care of services as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person involved in said emergency, unless the damage or injury was caused by willful or wanton misconduct or gross negligence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:978.1(F) and R.S. 14:403.11.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:73 (January 2019).

Lt. Col. Jason Starnes
Chief Administrative Officer

1901#015

RULE

Department of Revenue Office of Alcohol and Tobacco Control

Digitized Identification Acceptance and Education (LAC 55:VII.401)

Under the authority of R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has adopted §401 on requirements for digitized identification acceptance by retailers, education requirements for retailers regarding same, and to provide for other related matters. The Rule helps the Office of Alcohol and Tobacco Control provide guidelines for its retailers with the implementation of the provisions of Act 552 of the 2018 Regular Session of the Louisiana Legislature which provides for issuance of a digitized special identification card and to establish a fee to install the application to display a digitized special identification card. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 1. Beer and Liquor

Chapter 4. Alcohol Public Safety Regulations

§401. Digitized Identification Acceptance and Education

A. LA Wallet digitized identification shall be the only digital identification that may be accepted by alcohol and tobacco retailers.

B. Alcohol and tobacco retailers may choose to accept digitized identification or they may still require a physical identification when checking identification.

C. Retailers whom the agency has required to utilize scanners shall still be required to request and scan a physical identification and may not accept digitized identification.

D. Digitized identification may be accepted by establishments provided that all employees have been properly trained prior to acceptance. Establishments which intend to accept digital identification shall conduct their own employee training and provide the following information to all employees prior to acceptance:

1. Hands-off/No-touch. Digitized identification was designed so that anyone validating or verifying the information on the holder's device may do so without handling the device. All interactive features are to be completed by the holder of the device with the digitized identification application and not by the retailer.

2. Validity of Digitized Identification. The validity of digitized identification may easily be determined by the green or red line across the top of the electronic license. This line will read "VALID" or "INVALID", respectively. If the license has not been suspended, revoked, or been determined invalid for any other reason, the word "VALID" shall be displayed in green.

3. Over 21/Under 21 Orientation. The age of the digitized identification holder may be determined by the orientation of the digital identification. For individuals over the age of 21 years old, the license will be displayed horizontally on the holder's electronic device. For individuals under the age of 21 years old, the license will be displayed vertically on the holder's electronic device.

4. Refresh Button. The digitized identification application shall contain a "refresh" button which acts as an interactive safeguard. This button enables the holder of the device to contact the Department of Motor Vehicles and re-validate the license, usually in less than three seconds. The time of the last update will be displayed next to the license, above the refresh button. Retailers are encouraged to require the holder of the digitized identification to refresh their identification to aid in determining authenticity.

5. Security Seal. If the retailer requires further validation of the digitized identification, the retailer may ask the holder of the digitized identification to press and hold their finger on the identification displayed on their device screen to reveal the security seal. Retailers are encouraged to require the holder of the digitized identification to display the security seal to aid in determining authenticity.

6. View Button. If the retailer needs to view the date of birth more clearly to verify, the digitized identification application is equipped with a "view" button which may be activated by the holder of the digitized identification. When the holder activates the "view" button, the device application will then display a larger print version of the holder's identification number, date of birth, endorsements, and restrictions.

7. All other rules and requirements for physical identification still apply for digitized identification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 45:74 (January 2019).

Juana Marine-Lombard
Commissioner

1901#019

RULE

**Department of Revenue
Office of Alcohol and Tobacco Control**

**Governmental Entity Special Events
(LAC 55:VII.403)**

Under the authority of R.S. 26:793(A)(4) and R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has adopted §403 to address issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns by the commissioner of the Office of Alcohol and Tobacco Control since these entities are not addressed otherwise by existing law or regulation. The promulgation of §403 will assist the Office of Alcohol and Tobacco Control by providing guidelines for the issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Chapter 4. Alcohol Public Safety Regulations

§403. Governmental Entity Special Events

A. The commissioner shall have the authority to issue alcohol and tobacco special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. Special event permits issued to governmental entities, quasi-governmental entities, and quasi-governmental development districts, shall be classified as Type B Special Events pursuant to R.S. 26:793(A)(1)(c) and LAC 55:VII.323(B)(1)(b). Special event permits issued to the agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall be classified as Type C Special Events pursuant to R.S. 26:793(A)(1)(d) and LAC 55:VII.323(B)(1)(c). Special event permits issued to governmental entities, quasi-governmental entities, quasi-governmental development districts and their agents and assigns shall not be subject to the twelve special event permit per year limitation imposed on non-governmental entities. The agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall still be restricted to 12 special events for those events wherein they are not acting as an agent or assign of a governmental entities, quasi-governmental entities, or quasi-governmental development district

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793(A)(4) and R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 45:75 (January 2019).

Juana Marine-Lombard
Commissioner

1901#020

RULE

**Department of Transportation and Development
Professional Engineering and Land Surveying Board**

**Engineering and Land Surveying
(LAC 46:LXI.105, 707, 709, 1101, 1107, 2701, and 3107)**

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.105, 707, 709, 1101, 1107, 2701, and 3107.

This is a housekeeping revision of existing rules under which LAPELS operates. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXI. Professional Engineers and Land Surveyors

Chapter 1. General Provisions

§105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

* * *

Practice of Land Surveying—defined in R.S. 37:682. The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:

- i. boundary surveys;
- ii. subdivision surveys and plats;
- iii. public land surveys;
- iv. surveys of servitudes (easements) and rights of way;
- v. surveys of leases.

b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of relationships to property ownership boundaries. These functions include:

- i. topographical surveys;
- ii. surveys for record drawing;
- iii. layout surveys for construction;
- iv. hydrographic surveys;
- v. mine surveys;
- vi. mapping.

c. Surveying and mapping functions which do not require the establishment of relationships to property ownership boundaries must be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. These surveying and mapping functions include:

- i. topographical surveys;
- ii. surveys for record drawing;
- iii. layout surveys for construction;
- iv. hydrographic surveys;
- v. mine surveys;
- vi. mapping;
- vii. geodetic surveys;
- viii. cartographic surveys;
- ix. horizontal and vertical control surveys;
- x. quantity and measurement surveys;
- xi. profiles and cross-sections;
- xii. site grading plans.

d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

Topographical Survey—the measurement by any method of natural or man-made features in the air, on the surface or in the subsurface of the earth, or within bodies of water for the purpose of determining or establishing their size, shape, grade and/or contour. This also includes the preparation of any data depicting the above-described features. Such surveys may include the use of conventional survey methods, LIDAR and scanning technologies, and hydrographic survey methods to gather this data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 32:1618 (September 2006), LR 35:1908 (September 2009), LR 38:835 (March 2012), repromulgated LR 38:1030 (April 2012), amended LR 44:612 (March 2018), LR 45:75 (January 2019).

Chapter 7. Bylaws

§707. Board Organization

- A. - C. ...
- D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall, with the assistance of the executive director, compile the agenda for each regular and special meeting.

- 2. ...
- 3. Secretary. The secretary shall:
 - a. - b. ...
 - c. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget of the board. The treasurer shall present a financial report to the board at each regular meeting.

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, laws and rules committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time-to-time as necessary.

- 1. - 3.b. ...

4. Land Surveying Committee. The chairman of the board shall appoint a land surveying committee composed of not less than two board members. At least two of the board members on the land surveying committee shall be professional land surveyors. The land surveying committee shall:

- a. - c. ...

d. conduct oral examinations or interviews of applicants, as necessary; and

e. supervise the development and administration of examinations on the Louisiana laws of land surveying.

- 5. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:2563 (October 2012), LR 40:1388 (July 2014), LR 42:1104 (July 2016), LR 44:614 (March 2018), LR 45:76 (January 2019).

§709. Executive Director

- A. - B. ...

C. Duties of the Executive Director. The executive director shall:

- 1. - 13. ...

14. assist the board in the adoption and amendment of rules and bylaws in accordance with the state law;

15. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;

16. write articles for publication to inform licensees, certificate holders and the public of activities and actions of the board;

17. be an associate member of NCEES;

18. assist the finance committee in the preparation of the budget;

19. assist in ensuring that expenditures are within the budget;

20. receive and account for all monies derived from the operation of the board;

21. comply with R.S. 37:690 in all matters relating to receipts and disbursements;

22. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;

23. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued;

24. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year by a certified public accountant; and

25. assist the chairman with planning and compiling the agenda for each regular and special meeting of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), LR 44:614 (March 2018), LR 45:76 (January 2019).

Chapter 11. Curricula

§1101. Approved Curricula

A. - C. ...

D. To qualify for certification as an engineer intern pursuant to §901.A.2 or §901.A.3, a graduate of a non-accredited engineering or related science or engineering technology curriculum must submit to the board an evaluation of the curriculum prepared by a board-approved education credential evaluation service.

E. In general, the board will recognize as approved all accredited land surveying curricula of four years or more. The board may recognize as approved a land surveying curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

F. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a non-accredited land surveying curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.D. The board shall keep a record of the land surveying curricula thus approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018), LR 45:77 (January 2019).

§1107. Land Surveying, Mapping and Real Property Courses

A. To qualify for certification as a land surveyor intern pursuant to §907.A.1, the "30 semester credit hours, or the

equivalent, in land surveying, mapping, and real property courses approved by the board" shall include:

1. 15 semester credit hours, or the equivalent, in land surveying courses, at least three of which shall be in boundary surveying;

2. three semester credit hours, or the equivalent, in mapping courses;

3. three semester credit hours, or the equivalent, in real property courses; and

4. nine semester credit hours, or the equivalent, in either land surveying or mapping courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 45:77 (January 2019).

Chapter 27. Use of Seals

§2701. Seal and Signature

A. - A.3.b.ii.(d). ...

* * *

iii. - iii.(c). Repealed.

4. Seal Use

a. Completed Work

i. - iv.(a). ...

v. Compiled As-Built Record Drawings

(a). The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

4..a.v.(b). - 5.b. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March

2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018), LR 45:77 (January 2019).

Chapter 31. Continuing Professional Development (CPD)

§3107. Reciprocity/Out-of-Jurisdiction Resident

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), repealed LR 45:78 (January 2019).

Donna D. Sentell
Executive Director

1901#013

RULE

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

**Removal of Abandoned Crab Traps
(LAC 76:VII.367)**

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission has amended LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1). The Wildlife and Fisheries Commission took action on October 4, 2018 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2019 through 11:59 p.m. February 14, 2019 within portions of Plaquemines and Jefferson Parishes as described below:

1. from a point originating on the western boundary of the Barataria Waterway (29 degrees 34 minutes 54.52 seconds north latitude, 90 degrees 3 minutes 41.24 seconds

west longitude); thence easterly to the intersection of Highway 23 and Reddick Lane (29 degrees 34 minutes 53.36 seconds north latitude, 89 degrees 49 minutes 38.29 seconds west longitude); thence southerly on Highway 23 to the intersection of Caroline Avenue and Highway 23; thence southwesterly to a point where Little Pass and the southern bank of the Freeport Sulphur Canal intersect (29 degrees 27 minutes 19.15 seconds north latitude, 89 degrees 42 minutes 25.96 seconds west longitude); thence southwesterly following the southern bank of the Freeport Sulphur Canal to a point located at 29 degrees 23 minutes 51.08 seconds north latitude, 89 degrees 46 minutes 30.00 seconds west longitude; thence westerly to a point located on the western shore of the Barataria Waterway at 29 degrees 24 minutes 17.19 seconds north latitude, 89 degrees 59 minutes 24.00 seconds west longitude; thence northerly following the western shore of the Barataria Waterway and terminating at the origin.

B. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. February 1, 2019 through 11:59 p.m. February 10, 2019 within Jefferson, St. John the Baptist, St. Charles, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 7.08 seconds north latitude, 90 degrees 24 minutes 6.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 5 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 1 minutes 10.06 seconds north latitude, 90 degrees 9 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 2 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 3 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within portions of Terrebonne Parish as described below:

1. from a point originating at the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal (29 degrees 24 minutes 44.098 seconds north latitude, 90 degrees 46 minutes 58.47 seconds west longitude); thence westerly along the northern shoreline of Falgout Canal to Lake de Cade; thence westerly along the northern shoreline of Lake de Cade to the mouth of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to Lost Lake; thence westerly along the northern shoreline of Lost Lake to the mouth of Rice Bayou; thence southerly along the western shoreline of Rice Bayou

to Blue Hammock Bayou; thence westerly along the northern shore of Blue Hammock Bayou to Four League Bay; thence southerly along the eastern shoreline of Four League Bay to the mouth of Oyster Bayou; thence southerly along the eastern shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 13 minutes 12.001 seconds north latitude, 91 degrees 07 minutes 48.002 seconds west longitude); thence easterly along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence northerly along the eastern shoreline of Bayou Grand Caillou to 29 degrees 15 minutes 00 seconds north latitude; thence westerly across Bayou Grand Caillou to the northern shoreline of the Tennessee Gas Pipeline canal; thence westerly along the northern shoreline of the Tennessee Gas Pipeline canal to the eastern shore of Bayou Dularge; thence northerly along the eastern shoreline of Bayou Dularge and terminating at its origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within Plaquemines parish as described below:

1. from a point originating along the eastern shoreline of the Mississippi River at 29 degrees 46 minutes 11.835 seconds north latitude; thence easterly along 29 degrees 46 minutes 11.835 seconds north latitude to its intersection with the eastern bank of Bayou Terre Aux Boeufs at 29 degrees 46 minutes 11.835 seconds north latitude, 89 degrees 47 minutes 20.53 seconds west longitude; thence southerly along the eastern bank of Bayou Terre Aux Boeufs to 29 degrees 41 minutes 15.19 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence southerly along 89 degrees 38 minutes 00 seconds west longitude to 29 degrees 34 minutes 12 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence westerly along 29 degrees 34 minutes 12 seconds north latitude to 29 degrees 34 minutes 12.00 seconds north latitude, 89 degrees 42 minutes 36 seconds west longitude; thence southerly along 89 degrees 42 minutes 36 seconds west longitude to its intersection with the eastern bank of the Mississippi River at 29 degrees 30 minutes 51.57 seconds north latitude, 89 degrees 42 minutes 36.24 seconds west longitude; thence northerly along the eastern bank of the Mississippi River to its point of origin.

E. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. March 13, 2019 through 11:59 p.m. March 22, 2019 within Cameron Parish as described below:

1. from a point originating at the Louisiana/Texas state line at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 48 minutes 29.67 seconds west longitude; thence northerly along the Louisiana/Texas state line to its intersection with the southernmost east bound lane on Interstate 10; thence northeasterly along the southernmost east bound lane on Interstate 10 to its intersection at 30 degrees 11 minutes 15.16 seconds north latitude, 93 degrees 33 minutes 18 seconds west longitude; thence southerly along 93 degrees 33 minutes 18 seconds west longitude to its intersection at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence westerly along 29 degrees 57 minutes 00 seconds north latitude to its point of origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019).

Jack Montoucet
Secretary

1901#044

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Blue Crab Harvest Regulations (LAC 76:VII.346)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), that the Wildlife and Fisheries Commission, on September 6, 2018, proposed to change blue crab harvest regulations. This change will address the current state of the stock of blue crab and still allow a limited harvest during September and October of 2019 without having a full closure of the fishery. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§346. Restriction of Mature and Immature Female Blue Crab Harvest

A. The recreational and commercial take of female blue crab from any of the waters of the state, whether private or public, or the possession of female blue crabs while on waters of the state is prohibited for a 35-day period beginning the second Monday of September for the year 2019. For the purposes of this Section, all female blue crab in possession of any persons on the water shall be deemed to have been taken from the waters of the state.

B. There shall be no commercial harvest of immature female blue crabs except:

1. when an immature female blue crab is in the premolt stage and is being held for processing as soft crabs; or

2. sold to a processor for the making of soft crabs.

C. Obvious signs such crabs are in premolt stage shall include they are no further from molting than having a white line on the back paddle fin, which is recognized by the crab industry as a premolt stage.

D. However, a legally licensed commercial crab fisherman may have in his/her possession an incidental take of immature female blue crabs, and/or mature female blue crabs during the prohibited months, in an amount not to exceed 2 percent of the total number of blue crabs in his/her possession.

1. To determine whether the total number of blue crabs in possession violates this Subsection, the enforcement agent shall take:

a. a random sample of 50 blue crabs from each crate; or

b. group of blue crabs equivalent to one crate.

2. If more than 2 percent of the blue crabs in that 50-crab random sample are immature female blue crabs, and/or mature female blue crabs during the prohibited months, the entire number of blue crabs in that crate or group of blue crabs equivalent to one crate shall be considered to be in violation.

E. Blue crabs in a work box, defined as a standard crab crate as used by a commercial crab fisherman aboard the vessel to sort or cull undersized crabs and/or immature female crabs from the harvest in order to obtain a legal catch, shall not be subject to the immature female restriction while held aboard the vessel and the fisherman is actively fishing.

1. Commercial crab fishermen shall be allowed to have in possession aboard the vessel either:

a. one work box, if not using a grader; or

b. two work boxes under the grader, if using a grader.

F. An immature female blue crab, also known as a “maiden” or “V-bottom” crab, can be identified as having a triangular shaped apron on her abdomen. A mature female blue crab can be identified as having a dome shaped apron on her abdomen.

G. Violation of any provision of this Section constitutes a class two violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), R.S. 56:8, R.S. 56:32, R.S. 56:56 (A)(5), R.S. 56:320 (B)(3), R.S. 56:326 (A)(2), R.S. 56:332(E)(1) and R.S. 56:355.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1962 (November 2016), amended LR 44:102 (January 2018), LR 45:79 (January 2019).

Jack Montoucet
Secretary

1901#045

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Registration and Numbering of Houseboats (LAC 76:XI.501)

The Wildlife and Fisheries Commission does hereby adopt LAC 76:XI.501 establishing rules governing the registration of houseboats. Authority for adoption of the Rule is R.S. 34:851.2(13), 34:851.19, 34:851.20, 34:851.21, 34:851.32(C), and 56:10(B)(17). This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 5. Houseboats

§501. Houseboat Registration

A. Beginning on January 1, 2019 every houseboat operated, occupied, inhabited, utilized, or otherwise deployed on the waters of this state must be registered with the Department of Wildlife and Fisheries and be properly numbered in accordance with R.S. 34:851.20.

B. *Houseboat*—a vessel constructed or utilized for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

1. When determining whether a vessel meets the definition of a “houseboat”, the department shall utilize the standard such that a reasonable observer would conclude that the vessel is capable of being used as an abode, habitation, or dwelling for at least a temporary basis.

a. Such determination should involve, but is not limited to, whether the vessel has a roof and is enclosed, or has multiple walls or structures capable of protecting inhabitants from the elements.

b. Additional evidence that may be considered in determining whether a vessel satisfies the reasonable observer standard include the presence of doors, windows, electrical wiring, plumbing, appliances, cabinetry, bedding, or any other features commonly found in a dwelling. However, the existence or absence of any of these items is not dispositive.

C. Owners of houseboats shall submit an application for registration of houseboats on a department-approved form that contains the following:

1. the name and address of the owner;

2. a description of the houseboat including either the HIN or a photo showing the vessel in its entirety;

3. proof of ownership via title, bill of sale, judgment, or an affidavit averring ownership;

4. evidence that taxes were paid (i.e. Department of Revenue “R-1331 Form”) on the houseboat or the materials used to construct it, or that the vessel was acquired by casual sale and no taxes were due;

5. signature of the owner.

D. The certificate of number shall be issued in addition to a decal which shall be permanently attached to the houseboat, both to be accessible for inspection at all times when such vessel is upon the waters of the state.

E. Notwithstanding the requirements in R.S. 34:851.20(M), titling of houseboats, whether commercially manufactured or homemade, is not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.2(13), R.S. 34:851.19, R.S. 34:851.20, R.S. 34:851.21, R.S. 34:851.32(C), and R.S. 56:10(B)(17).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 45:80 (January 2019).

Jack Montoucet
Secretary

1901#046

Notices of Intent

NOTICE OF INTENT

Department of Children and Family Services Division of Child Welfare

Extended Foster Care Services (LAC 67:V.3903)

In accordance with the Provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to promulgate LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Extended Foster Care, Section 3903.

Pursuant to R.S. 46:286.24, DCFS will implement extended foster care services for foster care youth between the ages of 18 to 21 who are in high school or pursuing a high school equivalent credential.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 5. Foster Care

Chapter 39. Chafee Foster Care Independence Program and Extended Foster Care

§3903. Extended Foster Care Services

A. The DCFS will continue to provide foster care services to young adults age 18 to 21 who are a full-time high school student or in the process of receiving an equivalent credential. They shall be eligible for foster care services until their high school graduation; completion of their equivalent credential or, their twenty-first birthday, whichever comes first. The young adult in foster care shall be eligible for all foster care services in accordance with their case plan; and, their foster parents, custodian or other placement provider continued services and benefits for the period of time the young adult is eligible and participating in the extended foster care program. The DCFS will notify all foster children and their foster parents/custodians/placement provider in writing of the availability of extended foster care services; eligibility for the services; and, the benefits at the foster child's seventeenth birthday. The written notifications will continue every 90 days unless the foster child and foster parents/custodian/placement provider consent to participate in extended foster care, or the child becomes ineligible for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 649 of the 2018 Regular Session and R.S. 46:286.24.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare, LR 45:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through February 27, 2019, to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P. O. Box 3318, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on February 27, 2019, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-125, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Extended Foster Care Services

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

This rule is being promulgated pursuant to Act 649 of the 2018 Regular Legislative Session. Act 649 provides that DCFS shall allow a child who is in foster care and who is also a full-time high school student to remain in foster care until he attains the age of twenty-one or graduates from high school or equivalent, whichever occurs first.

In FY 19, the estimated cost to the Department of Children and Family Services (DCFS) to implement the provisions of this rule is \$2.8 M (\$700 K in SGF and \$2.1 M in Federal Funds), which includes personnel costs associated with 22 full-time positions to manage additional case loads (\$768 K), operating expenses (\$99 K), computer software and equipment (\$30 K), and room and board expenses incurred by children in foster care (\$2 M). The estimated cost in FY20 is \$4.2 M, which includes personnel costs (\$1.7 M), operating expenses (\$115 K), computer software and equipment (\$3K), and other charges (\$2.3 M). The estimated cost in FY21 is \$4.6 M, which includes personnel costs (\$2 M), operating expenses (\$129 K), computer software and equipment (\$3 K), and other charges (\$2.5 M).

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

The proposed rule change will not affect revenue collections for state or local governmental units.

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

The proposed rule provides a significant benefit to foster children, age 18-21, that have not completed high school. This rule allows these children to continue in foster care for the purpose of completing high school or an equivalent credential. A high school degree will positively impact their employability and lifetime earning potential.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Rhenda Hodnett
Assistant Secretary
1901#051

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Licensing Section**

**State Central Registry—Child Residential Care, Class B
(LAC 67:V.Chapter 69)**

In accordance with the Provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B.

The proposed Rule amends Chapter 69, Child Residential Care, Class B, Sections 6955, 6957, 6959, and 6961, and promulgates Section 6962. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person’s name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns or is employed in a facility licensed by DCFS.

**Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 8. Residential Licensing
Chapter 69. Child Residential Care, Class B**

§6955. Procedures

NOTE: This Section has been moved from LAC 67:I.1955.

A. - D.2.g. ...

h. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner’s name appears on the registry, or if the staff member’s name appears on the registry and remains in the employment of the licensee;

i. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from Child Welfare that the individual is listed on the state central registry;

j. - k. ...

l. have knowledge that a convicted sex offender is on the premises of the child care facility and fail to notify law enforcement and licensing management staff immediately upon receipt of such knowledge;

m. have knowledge that a convicted sex offender is physically present within 1,000 feet of the child care facility and fail to notify law enforcement immediately upon receipt of such knowledge; or

n. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry.

E. - G.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S. 46:1410 et seq., R.S.46:1401-1424 and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), LR 36:836, 842 (April 2010), repromulgated LR 36:1032 (May 2010), repromulgated LR 36:1277 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2522 (November 2010), repromulgated LR 36:2838 (December 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:971 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6957. Definitions

NOTE: This Section has been moved from LAC 67:I.1957.

Individual Owner—Repealed.

Owner or Operator—individual or juridical entity exercising direct or indirect control over a licensed entity.

1. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Ownership—Repealed.

1. - 2. Repealed

* * *

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

* * *

State Central Registry—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2742 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1619 (August 2009), amended by the Department of Children and Family Services, Division of Program, Licensing Sections, LR 38:972 (April 2012), amended by the Department of Children and Family Services, Licensing Sections, LR 45:

§6959. Administration and Organization

NOTE: This Section has been moved from LAC 67:I.1959.

A. - B.2. ...

3. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the residential home in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints to

Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a residential home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

4. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

5. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

6. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

7. Providers and child care staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a child residential facility as defined in R.S. 46:1403.

8. The owner or director of a child residential facility shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the child residential facility. The verbal report shall be followed by a written report to the Licensing Section within 24 hours. The owner or director of a child residential facility shall be required to call and notify law enforcement personnel if they have knowledge that a registered sex offender is within 1,000 feet of the child day care facility as required by R.S. 14:91.1.

9. All owners shall have documentation of a state central registry clearance as required in §6962.

10. In accordance with R.S. 46:1428 providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Children and Family Services and shall be made available to parents or legal guardians prior to November 1 of each year.

C. - O.1.h. ...

i. documentation of a state central registry clearance as required in §6962.

O.2. - R.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1567 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2743 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1620 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:973 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6961. Human Resources

NOTE: This Section has been moved from LAC 67:I.1961.

A. - E.5. ...

6. free of a valid finding of child abuse and/or neglect as noted on the state central registry in accordance with §6962.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1410 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1570 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2745 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1622 (August 2009), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR

38:975 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6962. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with a facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the preceding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the residential home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if

currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the residential home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the residential home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access

to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business

on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

b. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the preceding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

c. For individuals who have resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed residential home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no

circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through February 27, 2019, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on February 27, 2019, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-125, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least

seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner-Walters
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: State Central Registry—Child
Residential Care, Class B**

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

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$9,585 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

In accordance with R.S. 46:1414.1, a rule was promulgated in July 2018 that requires a State Central Registry check for all DCFS specialized providers, owners, and staff. This proposed rule codifies the current process of requesting State Central Registry checks, as established by the July rule, specifically for Child Residential Care, Class B facility owners, staff, contractors, and volunteers. The proposed rule also clarifies that no individual with a justified finding of child abuse or neglect in the State Central Registry shall own or be employed by a Child Residential Care, Class B facility licensed by DCFS.

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

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.

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

The proposed rule has no known effect on competition and employment.

Terri Ricks
Deputy Secretary
1901#050

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Licensing Section**

State Central Registry—Maternity Homes
and Residential Homes—Type IV
(LAC 67:V.Chapters 67 and 71)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Residential Licensing, Chapter 71, Residential Homes—Type IV, and Chapter 67, Maternity Home.

The proposed rule amends Chapter 67, Maternity Home, Sections 6703, 6708, and 6710; and Chapter 71, Residential Homes—Type IV, Sections 7105, 7107, 7109, and 7111. The proposed Rule also promulgates Chapter 67, Maternity Home, Section 6712; and Chapter 71, Residential

Homes—Type IV, Section 7112. In accordance with R.S. 46:1414.1 of the 2017 Regular Legislative Session, any owner, current or prospective employee, contractor, or volunteer requesting licensure or licensed by the DCFS is prohibited from ownership or employment if that person’s name is recorded on the state central registry as a perpetrator with a justified finding of child abuse and/or neglect. The implementation of this Rule will ensure that no individual with a justified finding of child abuse and/or neglect listed on the state central registry owns, provides services for, or is employed in a facility licensed by DCFS.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 67. Maternity Home

§6703. Definitions

A. - B.1. ...

* * *

Individual Owner—Repealed.

* * *

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity.

a. For licensing purposes the following are considered owners:

i. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

ii. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

iii. *Church Owned, University Owned* or *Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

iv. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Provider—all owners or operators of a facility, including the director of such facility.

* * *

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

* * *

State Central Registry (SCR)—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

* * *

2. - 2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2694 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1570 (August 2009), amended LR 36:799, 835 (April 2010), repromulgated LR 36:1275 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:2521 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:968 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6708. General Provisions

A. Conditions for Participation in a Child-Related Business

1. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the maternity home in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a maternity home until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a maternity home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

2. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

4. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

5. Providers and staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a maternity home as defined in R.S. 46:1403.

6. The owner or director of a maternity home shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the maternity home. The verbal report shall be followed by a written report to the Licensing Section within 24 hours. The owner or director of a maternity home shall be required to call and notify law enforcement personnel if they have

knowledge that a registered sex offender is within 1,000 feet of the maternity home as required by R.S 14:91.1.

B. State Central Registry

1. All owners shall have documentation of a state central registry clearance as required in §6712.

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

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:969 (April 2012), amended LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6710. Personnel Files

A. No person, having any supervisory or other interaction with residents, shall be hired or on the premises of the facility until such person has submitted his or her fingerprints to the Louisiana Bureau of Criminal Identification and Information and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C). This shall include any employee/volunteer or non-employee who performs paid or unpaid work with the provider to include contractors, consultants, students, volunteers, trainees, or any other associated person, as defined in these rules.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:970 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§6712. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the proceeding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the maternity home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently

licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the maternity home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a maternity home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the maternity home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the maternity home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the maternity home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse

and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed maternity home.

b. Prior to May 1, 2019, all contractors providing services to the maternity home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the

preceding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed maternity home.

c. For individuals who have resided in another state within the preceding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed maternity home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed maternity home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the maternity home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide

services for the maternity home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the maternity home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth,. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the maternity home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Chapter 71. Residential Homes—Type IV

§7105. Definitions

A. As used in this Chapter:

* * *

Individual Owner—Repealed.

* * *

Owner—Repealed.

Owner or *Operator*—individual or juridical entity exercising direct or indirect control over a licensed entity. For licensing purposes the following are considered owners:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned* or *Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

Ownership—Repealed.

a. - b. ...

* * *

Reasonable Suspicion—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

* * *

State Central Registry—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:976 (April 2012), LR 42:220 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7107. Licensing Requirements

A. - A.4. ...

5. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the residential home in accordance with R.S. 46:51.2

and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a residential home until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a residential home.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

6. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the facility premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the facility premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the facility premises when children/youth are present.

7. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

8. Effective May 1, 2019, CBCs/attestation forms shall be dated no earlier than 45 days prior to the initial application being received by the Licensing Section, or the individual being present on the premises, or having access to children/youth.

9. Documentation of a state central registry clearance as required in §7112.

10. Providers and staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a residential home as defined in R.S. 46:1403.

11. The owner or program director of a residential home shall be required to call and notify law enforcement personnel and the Licensing Section management staff if they have knowledge that a registered sex offender is on the premises of the residential home. The verbal report shall be followed by a written report to the Licensing Section within 24 hours.

12. The owner or director of a residential home shall be required to call and notify law enforcement personnel if they have knowledge that a registered sex offender is within 1,000 feet of the residential home as required by R.S. 14:91.1. The verbal report shall be followed by a written report to the Licensing Section within 24 hours.

13. Providers with live-in staff may allow children of staff members to reside with their parents in the private staff quarters of the residential home.

14. Provider nor staff shall permit a resident, age 18 years or older, that has been convicted of, pled guilty, or nolo contendere to any offense listed in R.S. 15:587.1. or to any offense involving a juvenile victim to remain on the premises of the residential home.

B. - B.2.p. ...

q. documentation of a state central registry clearance as required in §7112;

B.2.r. - E.2.f. ...

g. copy of current state central registry clearance forms for all owners and program directors/administrators.

E.3. - F.1.b.xvi. ...

xvii. documentation of a state central registry clearance as required in §7112;

- l.xviii. - 3.xvi. ...
- xvii. documentation of a state central registry clearances for all owners and staff as required in §7112;
- F.3.xviii - G.1.c. ...
- d. any validated instance of abuse and/or neglect as noted by inclusion on the state central registry if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;
- e. - m. ...
- n. knowingly permit an individual with a justified (valid) finding of child abuse and/or neglect to be on the premises without being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding prior to receipt of the official notification from Child Welfare that the individual is listed on the state central registry;
- o. permit an individual to be on the premises or to have access to children/youth when listed on the state central registry;

G.1.p. - L.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477, R.S.46:1401 et seq., and R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 36:807 (April 2010), amended LR 36:843 (April 2010), amended by the Department of Children and Family Services, Child Welfare Section, LR 36:1463 (July 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:977, 984 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:249 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7109. Critical Violations/Fines

A. - A.1. ...

- 2. §7111.A.9.a.i-v, vii, ix, or x—staffing ratios;
- 3. §7117.F.19—motor vehicle checks;
- 4. §7111.D.1.a if sections noted in §7111.D.7. also cited or §7111.D.1.b.i. if sections noted in §7111.D.7 also cited or §7111.D.2.—critical incident reporting; and/or
- 5. §7111.A.9.a.vi, §7111.A.9.a.xi, §7111.A.9.a.xiii-xv, §7111.A.4.c, §7123.B.5, or §7123.B.6—supervision.

B. - E.1.e. ...

- f. If the provider exceeds staffing ratios by more than one resident, increase the fine by \$25.
- g. If the provider failed to meet staffing ratios related to children of residents, increase the fine by \$25.
- h. If the provider self-reported the incident which caused the critical violation to be cited, decrease the fine by \$25.
- i. If the provider failed to self-report the incident which caused the critical violation to be cited, increase the fine by \$25.
- j. If a critical violation for supervision was cited due to residents or children of residents being unsupervised in a vehicle, increase the fine by \$25.
- k. If a critical violation for supervision was cited due to staff not knowing the whereabouts of residents to which they are assigned, increase the fine by \$25.

F. - H.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258

(February 2017), amended LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7111. Provider Requirements

A. - A.2.c.ii. ...

iii. have a state central registry notification form from Child Welfare as required in §7112;

2.c.iv. - 5.b. ...

c. All contractors who are unaccompanied by staff with direct or indirect contact with children/youth shall have documentation of a state central registry clearance as required in §7112.

A.6. - B.2.a.ix. ...

x. state central registry clearance forms as required in §7112.

B.2.b. - J.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:1725 (September 2017), amended by the Department of Children and Family Services, Licensing Section, LR 45:

§7112. State Central Registry

A. State Central Registry Checks for Owners

1. Prior to May 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with a facility were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to May 1, 2019, all owners and operators affiliated with a facility were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the preceding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the residential home.

3. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana state central registry clearance form shall be dated no earlier than 45 days prior to the license being issued or the addition of a new

board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the license being issued or the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the residential home.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the facility premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a residential home.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the residential home and at any and all times when he/she is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the state central registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the residential home. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the residential home board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the residential home is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

B. State Central Registry Checks for Staff and Volunteers

1. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff (paid, non-paid, and volunteers) person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a state central registry clearance form from child welfare noting that the staff (paid, non-paid, and volunteers) person is not listed on

the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

b. Prior to May 1, 2019, all staff (paid, non-paid, and volunteers) were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff (paid, non-paid, and volunteers) person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

c. In accordance with R.S. 46:1414.1, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire. Staff (paid, non-paid, and volunteers) persons who have resided in another state within the proceeding five years, provider shall request a check and obtain state central registry clearance from that state's child abuse and neglect registry. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. Other states state central registry clearance forms shall be dated no earlier than 120 days prior to the staff (paid, non-paid, and volunteers) being present on the premises or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff (paid, non-paid, and volunteers) is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's (paid, non-paid, and volunteers) name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff (paid, non-paid, and volunteers) prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff (paid, non-paid, and volunteers) may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff (paid, non-paid, and volunteers) is not listed on the state central registry and due to a new valid finding, the staff (paid, non-paid, and volunteers) receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the

presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff (paid, non-paid, and volunteers) is listed on the state central registry, the staff (paid, non-paid, and volunteers) shall no longer be eligible for employment with the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff (paid, non-paid, and volunteers) with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

C. State Central Registry Checks for Contractors

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the facility a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to May 1, 2019, all contractors providing services to the residential home were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

b. Prior to May 1, 2019 , all contractors providing services to the residential home were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed residential home.

c. For individuals who have resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana state central registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other state's state central registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed residential home.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed residential home.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the residential home at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual

with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the residential home. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the residential home with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

D. Reasonable Suspicion

1. Any information received or knowledge acquired by the provider that a current owner, contractor, volunteer and/or staff, is a perpetrator of abuse and/or neglect after October 1, 2018, with a justified (valid) determination of abuse and/or neglect prior to receipt of official notification from Child Welfare, shall be verbally reported to Licensing management staff immediately and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the residential home, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from Child Welfare that the individual is or is not listed on the state central registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1414.1.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through February 27, 2019, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed rule will be held on February 27, 2019, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-125, Baton Rouge, LA beginning at 10:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner-Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: State Central Registry—Maternity Homes and Residential Homes—Type IV

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

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services (DCFS) by approximately \$26,625 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

In accordance with R.S. 46:1414.1, a rule was promulgated in July 2018 that requires a State Central Registry check for all DCFS specialized providers, owners, and staff. This proposed rule codifies the current process of requesting State Central Registry checks, as established by the July rule, specifically for Maternity Homes and Residential Homes-Type IV owners, staff, contractors, and volunteers. The proposed rule also clarifies that no individual with a justified finding of child abuse or neglect in the State Central Registry shall own or be employed by Maternity Homes and Residential Homes-Type IV licensed by DCFS.

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

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units.

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

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

Terri Ricks
Deputy Secretary
1901#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center Licensing Regulations—Licensure and Minimum Child-to-Staff Ratios for Type I Centers (LAC 28:CLXI.305 and 1711)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed amendments align policy with R.S. 17:407.37, which allows, rather than mandates, a fine of up to \$1000 per day, along with making technical edits.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Operating an early learning center without a valid license may result in fines imposed by the department to a maximum of \$1,000 per day for each day of such offense.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:

Chapter 17. Minimum Staffing Requirements and Standards

§1711. Child-to-Staff Minimum Ratios

A. - E. ...

F. Minimum Child-to-Staff Ratios—Type I Centers

1. - 2. ...

Minimum Child-to-Staff Ratios—Type I Centers (Effective until July 1, 2021)	
Ages of Children	Ratio

G. - N.2.b. ...

2. Type I Centers

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the

objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Early Learning Center
Licensing Regulations—Licensure and Minimum
Child-to-Staff Ratios for Type I Centers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no estimated costs or savings to state or local governmental units as a result of the proposed revisions, which pertain to the assessment of fines as a consequence for operating an early learning center without a valid license and technical revisions. Current policy requires a fine of not less than \$1,000 per day; proposed revisions allow for a fine in an amount up to \$1,000 per day for the stated offense.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
To date the Department of Education has not assessed fines pursuant to this authority, thus any impact to the level of fine revenues which may potentially be collected are not anticipated to be material.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Operators of early learning centers will benefit from a potential reduction in the level of fines assessed for operating without a valid license.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
1901#032

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State
Certification of School Personnel
Teaching Authorizations and Certification
(LAC 28:CXXXI.305 and Chapter 7)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The proposed amendments allow district-level administrators to renew educational leader licenses using local evaluations and also establishes an "operational role" status that allows teachers and school-based administrators serving in operational roles to freeze the validity period of their certificate while serving in such a role. This ensures that the educator certificate will not expire while the educator is serving in a role that is not suited to being evaluated per the standards of effectiveness. The proposed rules do not affect teacher or school-level leader evaluations.

Title 28 EDUCATION

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

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

Editor's Note: The name of the Division of Student Standards and Assessments has been changed to The Division of Student Standards, Assessments, and Accountability.

§305. Professional Level Certificates

A. - D.2.b. ...

E. Non-Practicing Status or Operational Role Status for Level 1, 2, 3 Certificates

1. The LDE may grant:

a. non-practicing status to any teacher who applies within a year of ceasing employment as a teacher or leader in a local education agency. An exception may be made for a teacher or leader who ended employment in a local education agency prior to November 1, 2015 with at least one evaluation rating in 2012-2013, 2013-2014, or 2014-2015.

b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status shall take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

3. Operational role status shall take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return of that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of their certificate

for the number of years remaining in the renewal period of the certificate.

6. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§705. Educational Leader Certificate Level 1 (EDL 1)

A. - A.5.a. ...

b. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity at the school level will be required to meet the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902 for three years out of the five year renewal period in order to renew their endorsement.

c. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity at the district level will be required to earn effective ratings per local personnel evaluations for three years out of the five year renewal period in order to renew their endorsement.

6. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:

§706. Educational Leader Certificate Level 2 (EDL 2)

[Formerly §707]

A. - A.3. ...

4. For individuals who are employed in a leadership capacity at the school level, either meet the standards of effectiveness as an educational leader for three years pursuant to Bulletin 130 and R.S. 17:3902 or receive a waiver of this provision from the LDE, at the request of the employing LEA, if the educational leader was unable to meet the standards of effectiveness any year prior to the 2015-2016 school year due to administrative error in the local implementation of the evaluation system.

5. For individuals who are employed in a leadership capacity at the district level, earn effective ratings per local personnel evaluations for three years.

B. Renewal Requirements. An EDL 2 is valid for five years initially and may be extended thereafter for a period of five years at the request of an LEA. For renewal of EDL 2 certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130

and R.S. 17:3902. Candidates who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

1. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity at the school level will be required to meet the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902 for three years out of the five-year renewal period in order to renew their endorsement.

2. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for three years out of the five year renewal period in order to renew their endorsement.

3. LEAs may request a one-time five-year renewal of the certificate, if the educational leader employed in a leadership capacity at the school level was unable to successfully meet the standards of effectiveness any year prior to the 2015-2016 school year due to administrative error in the local implementation of the evaluation system.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823LR (October 2006), amended LR 33:820 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 41:2129 (October 2015), LR 45:

§708. Educational Leader Certificate Level 3 (EDL 3)

[Formerly §709]

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

2. Renewal Requirements. An EDL 3 is valid for five years initially and may be extended thereafter for a period of five years at the request of an LEA. For renewal of an EDL 3 certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902. Candidates who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

3. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity will be required to meet the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902 for three years out of the five-year renewal period in order to renew their endorsement.

4. Individuals who hold an educational leader add-on endorsement issued prior to July 1, 2012 and are employed in a leadership capacity at the district level will be required to earn effective ratings per local personnel evaluations for three years out of the five year renewal period in order to renew their endorsement.

5. LEAs may request a one-time five-year renewal of the certificate if the educational leader was unable to successfully meet the standards of effectiveness any year prior to the 2015-2016 school year due to administrative error in the local implementation of the evaluation system.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 38:3139 (December 2012), LR 41:2129 (October 2015), LR 45:

§709. Non-Practicing Status for Educational Leader Certificates

A. ...

B. Non-practicing educational leaders returning to practice may apply through a local education agency for an extension of their certificate for the number of years they were not practicing, not to exceed five years.

C. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 45:

Subchapter B. Out-of-State Administrative Certification Structure

§723. Out-of-State Principal Level 2 (OSP2)

A. - A.1.c. ...

d. Individuals who are employed in a leadership capacity at the school level successfully meeting the standards of effectiveness as an educational leader during the validity period of the OSP1 certificate. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

2. Renewal Requirements. For renewal of OSP2 certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:

§725. Out-of-State Superintendent (OSS)

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

2. Renewal Requirements. For renewal of an OSS certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Certification of School Personnel Teaching Authorizations and Certification

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

There are no fiscal implications for state or local governmental units related to the proposed revisions. The proposed policy revisions allow district-level administrators to renew educational leader licenses using local evaluations. The policy also establishes an "operational role" status that allows teachers and school-based administrators serving in operational roles to freeze the validity period of their certificate while serving in such a role. This ensures that the educator certificate will not expire while the educator is serving in a role that is not suited to being evaluated per the standards of effectiveness. The proposed policy does not affect teacher or school-level leader evaluations.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

The proposed policy revisions allow district-level administrators to renew educational leader licenses using local evaluations. The policy also establishes an "operational role" status that allows teachers and school-based administrators serving in operational roles to freeze the validity period of their certificate while serving in such a role. This ensures that the educator certificate will not expire while the educator is serving in a role that is not suited to being evaluated per the standards of effectiveness. The proposed policy does not affect teacher or school-level leader evaluations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The new requirements may result in an increase in the number of teachers competing for operational positions.

Beth Scioneaux
Deputy Superintendent
1901#030

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities—Statewide Assessments (LAC 28:XCVII.503 and 505)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*. The proposed amendments ensure an alternate assessment is reserved for students with the most significant cognitive disabilities, as required by ESSA, by:

- deleting policy language allowing students to participate in the alternate assessment based on deficits in adaptive functioning alone;
- establishing a transition period for graduation pathways of current high school and eighth grade students;
- incorporating language from the most recent federal regulations; and
- providing technical edits including references to outdated assessments and standards.

Title 28 EDUCATION

Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

Chapter 5. Participation in Statewide Assessments

§503. Types of Alternate Assessments

A. LEAP alternate assessment, level 1 (LAA 1), was developed for students with disabilities who are served under IDEA for whom there is evidence that the student has a significant cognitive disability. LAA 1 is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana extended standards.

B. - B.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 41:535 (March 2015), LR 45:

§505. Alternate Assessment Participation Criteria

A. LEAP Alternate Assessment (Alternate Assessment). To be eligible to participate in the LEAP Alternate Assessment (alternate assessment), the IEP team must verify the student (in grades 3-11) meets the criteria listed in this subsection.

1. For students entering a high school cohort on or before the 2019-2020 school year, the student has a disability that significantly impacts cognitive function and/or adaptive behavior. This may be demonstrated in the following ways.

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning and/or adaptive behavior.

b. For students who have completed fifth grade, an eligible student is functioning 2.3 or more standard deviations below the mean in cognitive functioning and/or adaptive behavior.

c. Students who have completed the fifth grade functioning between 2.0 and 2.29 or more standard deviations below the mean in cognitive functioning and/or adaptive behavior may be eligible for alternate assessment participation if the IEP team provides additional empirical evidence an alternate assessment identification is appropriate for the student.

2. For students entering a high school cohort during the 2020-2021 school year and beyond, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways.

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning.

b. For students who have not completed the fifth grade, an eligible student is functioning 2.3 or more standard deviations below the mean in cognitive functioning.

c. Students who have completed the fifth grade functioning between 2.0 and 2.29 or more standard deviations below the mean in cognitive functioning and with deficits in adaptive behavior may be eligible for alternate assessment participation if the IEP team provides additional empirical evidence an alternate assessment identification is appropriate for the student.

3. The student requires direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.

4. The decision to include the student in an alternate assessment is not solely based on the following:

- a. student's educational placement;
- b. excessive or extended absences;
- c. disruptive behavior;
- d. English language proficiency;
- e. student's reading or academic level;
- f. student's disability according to Bulletin 1508;
- g. social, cultural, and/or economic differences;
- h. anticipated impact on school performance scores;
- i. administrative decision;
- j. expectation that the student will not perform well on the LEAP 2025 or other statewide assessments; or
- k. the student's previous need for accommodation(s) to participate in general state or district-wide assessments.

B. - B.4.j. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), February 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board

of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities Statewide Assessments

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

There may be savings to the Department of Education as a result of the reduction in the number of alternative assessments which will be administered for those students with the most significant cognitive disabilities, as required by ESSA. There will be an estimated 8 to 10% reduction in the percentage of students assessed on the alternative assessment which may result in reduced printing and shipping costs, however, there will likely be a corresponding increase in the number of LEAP tests. It is indeterminable at this time whether there will be a net reduction in administration costs.

There may be potential cost savings to local school districts and charter schools due to the anticipated reduction in the number students requiring alternative assessments which are more labor intensive to administer. Any such savings will vary across districts and are indeterminable at this time.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

The proposed policy revisions will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect of competition and employment.

Beth Scioneaux
Deputy Superintendent
1901#031

Greg V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Revisions to the Risk Evaluation/Corrective
Action Program (RECAP)
(LAC 33:I.1307) (OS092)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.1307 (OS092).

This Rule will adopt by reference the revised Risk Evaluation/Corrective Action Program (RECAP) regulation which serves as the minimum remediation standards for soil and groundwater. The revisions to the RECAP regulation amend and update the program to be consistent with the most current scientific methods and recommendations to ensure that response actions to chemical releases in the environment are protective of human health and the environment. Text revisions include clarifications reorganization, and streamlining to facilitate the interpretation and application of the program. The basis and rationale for this Rule are to clarify and revise the current RECAP regulation. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 13. Risk Evaluation/Corrective Action Program

§1307. Adoption by Reference

A. The document entitled, "Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)," dated [enter promulgation date], is hereby adopted and incorporated herein in its entirety. The RECAP document is available through the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2441 (November 2000), LR 29:2057 (October 2003), amended by the Office of Environmental Assessment, LR 30:2020 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2433 (October 2005), LR 33:2079 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS092. Such comments must be received no later than March 8, 2019, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS092. These proposed

regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on March 1, 2019, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Revisions to the Risk Evaluation/Corrective Action Program (RECAP)

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

The proposed rule change is not anticipated to have any implementation costs or savings to state or local governmental units. The proposed rule change aligns the Risk Evaluation/Corrective Action Program (RECAP) with the most current scientific methods and recommendations to ensure that response actions to chemical releases in the environment are protective of human health and the environment. The RECAP standards, which serve as minimum remediation standards for soil and groundwater, have been revised based on the current U.S. Environmental Protection Agency (EPA) risk assessment methods and recommendations.

The RECAP revisions will serve to establish more clarity in the risk assessment process used to identify corrective action levels for entities submitting remediation plans. This should encourage better identification of the contamination problems present at sites and their expeditious remediation. The Department of Environmental Quality (DEQ) will be able to use existing staff and facilities to implement these changes.

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

The proposed rule change will have no effect on revenue collections of state or local government units.

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

The proposed rule changes implement Risk Evaluation/Corrective Action Program (RECAP) revisions that may result in reductions in the costs of remediating contaminated sites to a protective level when compared to the present RECAP regulation.

The proposed rule changes will also provide clarifications, guidance, and corrections to text, figures, tables, and

appendices to the document that may benefit the environmental service providers by reducing overall review time and preparation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any effect on competition or employment. The RECAP rule has been an established rule since 1998 and all parties have been pursuing remedial actions under the same set of standards.

Herman Robinson
General Counsel
1901#036

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary**

Legal Affairs and Criminal Investigations Division

**UST New and Used Motor Oil Storage Fee Correction
(LAC 33:XI.307)(UT019)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Underground Storage Tanks Regulations, LAC 33:XI.307 (UT019).

This Rule will correct the fee for storing new or used motor oil in underground storage tanks. R.S. 30:2195.3 specifies a fee of \$275 for this storage. Act 451 of the 2016 Regular Legislative Session authorized certain fee increases, new fees, and other changes to the regulations pertaining to fees. A change to the fee for storing new or used motor oil in an underground storage tank found in R.S. 30:2195.3 was not included in Act 451. This correction will make the fee in the regulation match the fee in the statute. The basis and rationale for this Rule are to implement the fee specified in R.S. 30:2195.3. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY**

Part XI. Underground Storage Tanks

**Chapter 3. Registration Requirements, Standards,
and Fee Schedule**

§307. Fee Schedule

A. - B.3. ...

4. Fees are assessed according to the following schedule.

Fee Number	Annual Fees	Amount
1	Annual Registration Fee	
	All registered UST systems	\$60
2	Annual Maintenance and Monitoring Fees	
a	UST systems at federal facilities (all categories except USTs defined in Fee Number 2.b., which shall be assessed the higher fee)	\$174

Fee Number	Annual Fees	Amount
b	UST systems containing any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	\$726
c	UST systems containing petroleum products not meeting the definition of motor fuels	\$174
3	Motor Fuels Underground Storage Tank Trust Fund Fee	
	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	\$275

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, and 2195.3 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:950 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1597 (September 2018), amended by LR:45

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by UT019. Such comments must be received no later than March 8, 2019, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, or by fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. A check or money order is required in advance for each copy of UT019. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on March 1, 2019, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference

Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Legal Affairs and Criminal
Investigations Division**

UST New and Used Motor Oil Storage Fee Correction

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

The proposed rule change is not anticipated to have any implementation costs or savings and will be accomplished within Department of Environmental Quality (DEQ) employees' normal scope of work and during regular working hours. The proposed rule change corrects an erroneous increase for the underground storage tanks containing new or used motor oil fee adopted in 2017. That change increased the fee by \$28 (from \$275 to \$303) beginning in FY 19.

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

The proposed rule change will decrease revenue collections to DEQ out of the Motor Fuel Trust Fund by approximately \$980. DEQ has begun refunding underground storage tank owners that have paid the additional fee. DEQ anticipated there would be approximately 35 tank owners that would have paid this additional fee in FY 19; therefore, this \$28 reduction is anticipated to reduce annual revenue collections out of the Motor Fuel Trust Fund by \$980. DEQ anticipates they will be able to absorb these reductions with current resources.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule change will correct an erroneous increase in the underground storage tanks containing new or used motor oil fee that will provide these storage owners with a \$28 decrease in annual fees (from \$303 to \$275). Storage owners that have paid the additional fee amount have either been reimbursed or will be reimbursed for this error. All future payments will be at the \$275 amount.

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

The proposed rule changes will not have any effect on competition and employment.

Herman Robinson
General Counsel
1901#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

Water Quality Trading
(LAC 33:IX. Chapter 26) (WQ099)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX. 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, and 2619 (WQ099).

In accordance with R.S. 30:2074(B)(9)(a), the LDEQ, through this Rule will establish and administer a water quality trading(WQT) program as an inducement to reduce discharges of pollutants into waters of the state. The WQT program is a strategy to help achieve the goals of the Clean Water Act (CWA). The WQT program is voluntary and relies on a market-based approach to offer economic incentives for pollutant reduction from point and nonpoint sources. Trading allows a source to meet its regulatory obligations by using pollutant reduction "credits" generated by another source that has lower pollution control costs. The Rule will address appropriate standards for accountability and enforceability and provisions to ensure transparency. This Rule will apply to many various trading scenarios. This Rule enacts the revisions made by Act No. 371 of the 2017 Regular Session of the Louisiana Legislature. The basis and rationale for this Rule are to enact Act No. 371 of the 2017 Regular Session of the Louisiana Legislature which will protect water quality of the state. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 26. Water Quality Trading

§2601. Purpose, Policy, and Authority

A. Purpose. The purpose of this Chapter is to implement a water quality trading (WQT) program and establish minimum requirements and procedures for entities regulated under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Louisiana Administrative Code (LAC) to meet pollution control requirements through water quality trading in Louisiana. This Chapter shall apply to all persons and sources that participate in WQT, and to the generation, registration, use, and trading of credits and all trading activities that occur under this program.

B. Policy.

1. WQT shall be conducted consistent with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the LAC, and other relevant state and federal water quality regulations implemented in a manner that:

- a. results in a net improvement of water quality;
- b. contributes to meeting water quality standards;
- c. does not cause or contribute to violation of water quality standards, or impairment of designated uses;

- d. does not create localized adverse impacts on water quality and existing and designated uses;
- e. is consistent with the antidegradation policy in LAC 33:IX.1109.A;
- f. is consistent with local, state, and federal water quality requirements;
- g. results in long term improvement in water quality;
- h. increases the pace and scale of restoration and attainment of water quality standards; and
- i. assists in implementing total maximum daily loads (TMDLs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2603. General Definitions

Best Management Practices (BMPs)—schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of the waters of the state, including; treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge, waste disposal, or drainage from raw material storage.

BMP/Project Effectiveness—the quantitative/qualitative evaluation of source pollution reduction after implementing a BMP(s)/project that is measured over time and accounts for any decrease in pollution capture due to natural and/or anthropogenic phenomenon.

BMP Quality Standards—specifications for the design, implementation, maintenance, and performance tracking of a particular BMP to ensure the estimated water quality benefits of an eligible project are achieved and allow for verification that the BMP is performing as described in an approved WQT plan.

Credit—a measured, modeled, or estimated unit of pollution reduction per unit of time that represents the specific pollutant reduction generated by a BMP at a specific location, as adjusted by attenuation/delivery factors, trading ratios, and baseline requirements as appropriate.

Credit Certification—the formal application and approval process for a potential credit-generating project. (Certification occurs after project review.)

Credit-Generating Projects—activities undertaken for the purpose of generating credits by point or nonpoint sources, including, but not limited to, installing advanced treatment technology, curtailing discharges, and BMPs.

Credit Life—the period from the date a credit is certified and becomes available for use by a permittee (i.e., effective date) to the date that the credit is no longer valid (i.e., expiration date).

Credit Reserve Pool—credits that are currently being generated and that have been reviewed, certified, registered, and are available for trade during the credit life.

Eligible Project—implementation of a pollutant management strategy; this may include nonpoint source land treatment BMPs, integrated coastal protection and restoration projects, as well as point source practices, modifications, or technology installation to reduce its pollutant discharge by a particular amount for a particular period of time.

Estimated Credit—a credit for pollutant load reductions where treatment methods do not reasonably allow influent and effluent water quality to be measured. All credits that are not measured are estimated credits.

Measured Credit—a credit for pollutant reduction that can be directly monitored using water quality, including effluent samples.

Point of Compliance—for point sources discharging to surface waters, this is the location at which compliance shall be measured in accordance with limits specified in the Louisiana pollutant discharge elimination system (LPDES) permit.

Project Review—the process of confirming that a credit-generating project has completed the elements that ensure the project provides the proposed water quality improvement.

Public Conservation Funds—public funds that are targeted to support voluntary natural resource protection or restoration. Examples of public conservation funds include, but are not limited to, United States Department of Agriculture (USDA) cost share programs, United States Environmental Protection Agency (EPA) section 319 grant funds, United States Fish and Wildlife Service Partners for Fish and Wildlife Program funds, State Wildlife Grants, and state restoration grants. Public funds that are not considered public conservation funds include: public loans intended to be used for water quality infrastructure projects, such as Clean Water State Revolving Funds, USDA Rural Development funds, and utility sewer storm water and surface water management fees.

Quantifiable—the amount, rate, and characteristics of a discharge reduction that can be measured through an accurate, reliable, and replicable method, procedure, or set of calculations established by an applicable requirement or approved by the department.

Registry—a centralized and easily accessible public ledger wherein credit information and accompanying documentation is stored to document credit issuance, transfer, and holdings.

Trading Area—a geographic area where credits can be bought and sold.

Trading Baseline—the combined pollutant load reductions, site conditions, and/or BMP installation requirements that shall be met prior to trading.

Trading Ratios—numeric values used to adjust the credits generated for a seller and the credits available to meet the obligation of a buyer. Trading ratios account for factors such as, but not limited to, in-stream attenuation or uptake of a pollutant between the locations of the generator and the user of credits, different forms or types of a pollutant, risk of BMP failure, uncertainty as to BMP performance, and net environmental benefit.

Water Quality Benefit—the water quality improvement that can reasonably be attributable to BMPs (for point source-to-nonpoint source trades), wastewater treatment technologies, or practices (point source-to-point source trades) installed at a site.

Water Quality Trading or Trade—a transaction that involves the sale or other exchange, through a contractual agreement, of water quality credits generated from one location that have been verified, certified, registered, and used at another location within a trading area.

Water Quality Trading Plan—a permittee-level document that contains the details of implementing a trade. The WQT plan may be based on an existing watershed trading framework. In the absence of a watershed trading framework, the WQT plan will include all specific details of the trading processes and performance standards.

Watershed—an area of land that drains all waters and rainfall to a common outlet such as a lake, river, stream, or other waters.

Watershed Trading Framework—watershed-level document that contains the specific details of implementing a trade as it applies to multiple permittees trading within a watershed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2605. Eligibility

A. Water quality trading authorized under these regulations may not be used to meet technology-based effluent limitations unless expressly authorized by the underlying effluent guidelines.

B. The department may authorize trading under the following scenarios.

1. Point source-to-point source trades are trades between two permitted point sources that require one permittee to reduce the discharge of pollutants below baseline levels required to generate credits, not to include surplus discharge capacity.

2. Point source-to-nonpoint source trades are trades between a permitted point source and a nonpoint source to reduce the discharge of nonpoint pollutants below baseline levels required to generate credits.

3. Other types of trades may be approved by the department on a case-by-case basis.

C. Water quality parameters eligible for trading include:

1. nutrients (total nitrogen and total phosphorus), sediment (total dissolved solids, total suspended solids, and turbidity), biological oxygen demand, and temperature;

2. other parameters that may be approved by the department on a case-by-case basis, provided it does not cause or contribute to an exceedance of a water quality standard; and

3. persistent bioaccumulative toxics (PBTs) that have the potential to threaten public health will not be considered for trading.

D. Water Bodies Eligible for Trading

1. The department may authorize trading to maintain or improve water quality in non-impaired waters, including but not limited to, trading to offset new or increased discharges.

2. The department may authorize trading where water quality is limited but the waterbody is not subject to a TMDL, to improve water quality and make progress toward attaining water quality standards for impaired waters pending a TMDL, a TMDL alternative, or a state water quality management plan.

3. The department may authorize trading to meet the goals of a TMDL.

E. Credit-generating projects eligible for trading include:

1. installation or modification of facility operations or use of wastewater treatment technologies producing a net

environmental benefit, beyond all applicable pollution control obligations, are eligible for point source credit generation;

2. land treatment projects that follow the United States Department of Agriculture-Natural Resources Conservation Service's (USDA-NRCS) Louisiana Field Office Technical Guide and do not conflict with any local, state, and federal requirements;

3. activities in the coastal area as defined by R.S. 49:214.24 will be consistent with or, in the alternative, not conflict with the Louisiana Coastal Master Plan or any local, state, and federal requirements;

4. other activities as approved by the department on a case-by-case basis; and

5. BMP(s).

F. Regulatory Instruments to Authorize Trading

1. Permits. A WQT plan may be implemented in an LPDES permit in an effort to meet water quality based effluent requirements and/or achieve net reductions of a pollutant, as required by a TMDL or other management strategy. The conditions set forth in the WQT plan that meets the requirements of this Chapter shall be included as enforceable permit condition(s). The permittee is legally responsible for complying with all plan requirements. Registering trades with the department or its designee does not affect the responsibility of a permittee to comply with the terms of its permit;

2. Compliance Schedules. A water quality trade may be implemented as part of a compliance schedule incorporated in a LPDES permit or a department order so long as the trade is consistent with the requirements of LAC 33:IX.1109.D.1, LAC 33:IX.2713, the Federal Water Pollution Control Act [33 U.S.C. §1251 et seq. and section 502(17)], and 40 C.F.R.122.47.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2607. Requirements of a Water Quality Trading Plan

A. If a previously authorized watershed trading framework exists (see LAC 33:IX.2609), and is applicable, a WQT plan shall be consistent with the watershed trading framework. A WQT plan may reference the watershed trading framework or components within the watershed trading framework.

B. Absent a watershed trading framework, a permit's WQT plan shall include the following components, as appropriate, and how they were derived:

1. the parameter(s) for trading that is being proposed, the number of credits needed, and any credit generation milestones, including a schedule for credit generation;

2. the trading area, including justification and how it is protective of the relevant designated uses;

3. trading baseline, including identification of any applicable requirements that apply within the trading area and shall be implemented to achieve baseline requirements (the WQT plan shall also identify sources of applicable regulation or law);

4. credit-generating projects, including quality and performance standards for those actions, and if necessary, additional criteria for project site design, maintenance, and stewardship;

5. description of credit quantification methodology, including how pre- and post-project conditions are modeled or measured, the assumptions and inputs used to derive the number of credits, and how baseline will be accounted for;

6. monitoring and reporting requirements, including parameters to be monitored, monitoring frequency, type of sample required, physical form of the report, and any other trading-related monitoring that may be appropriate in addition to Clean Water Act (CWA) monitoring requirements;

7. trading ratios, including description of the basis and assumptions supporting each trading ratio and whether it affects the size of the credit obligation or the number of credits generated from an individual trading project;

8. other mechanisms to mitigate risk of insufficient credit generation, including a reserve pool, insurance, performance bonding, etc. as well as justification for the selection and application of the given mechanisms;

9. credit life information, including when credits became valid, how long credits remain valid, and renewability of credits;

10. requirements for review of project site implementation and performance, and the entity that will perform the review, review frequency and content, and the performance standards that are evaluated; and

11. adaptive management (WQT plans shall include a description of how monitoring and other information may be used over time to adjust trading projects and under what circumstances).

C. A WQT plan must be public noticed and approved by LDEQ prior to inclusion in a LPDES application, application addendum, or request for permit modification. The conditions set forth in LAC 33:IX.3113 and 6521 for public notice and the public comment period shall apply to WQT plans submitted in accordance with these regulations. The department may amend the WQT plan or require amendments prior to approval.

D. WQT Plan Revision. An approved WQT plan shall be reviewed and revised whenever an LPDES permit is renewed or modified, or if there is a change in circumstances that affects a WQT plan element. Revised WQT plans shall be submitted to the department for review and approval, and shall be shared publicly for notice and comment. If approved, the department will incorporate the revised plan into the LPDES permit.

F. Annual Report. The permittee shall submit an annual report to the department that describes the WQT plan implementation and performance over the past year. The department shall make the annual report readily available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2609. Watershed Trading Frameworks

A. The department may establish watershed trading frameworks for one or more watersheds in any TMDL, TMDL implementation plan, independent state water quality management plan, or by a separate agency order to describe details of watershed-level trading processes and standards.

B. A watershed trading framework shall specify those pollutants that are subject to trading, the trading area, regulations, and applicable TMDL allocations and implementation schedules that will be used to derive trading baseline within that watershed.

C. The department shall provide an opportunity for public notice and comment before approving a watershed trading framework.

D. A watershed trading framework is not required in order for the department to approve a WQT plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2611. Requirements for Trading Baselines

A. The requirements that compromise a trading baseline may be derived from:

1. technology-based effluent limit or water quality based effluent limits, whichever is more stringent, for point-point source trades that does not include surplus discharge capacity;

2. LPDES permit requirements;

3. requirements of a federal land management plan, or an agreement between a federal agency and the state;

4. tribal laws, rules, or permits;

5. projects completed as part of supplemental environmental projects or projects required under a permit;

6. regulatory requirements that a designated management agency establishes to comply with a department-issued TMDL, water quality management plan, or another water pollution control plan adopted by rule or issued by order under the department;

7. other federal, state, and local rules or laws that establish affirmative requirements for individual nonpoint sources; and

8. existing conditions where no TMDL/TMDL alternative exists.

B. Trading baselines shall:

1. include a specific base year that specifies when credit-generating projects may begin; and

2. specify any applicable pollution control requirements that may need to be implemented to meet baseline requirements prior to generating credits.

C. BMPs required to meet baseline requirements and BMPs used to generate additional water quality benefits and trade credits may be installed simultaneously.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2613. Requirements for Trading Areas

A. A trading area shall be defined ecologically where a pollution reduction in one part of the area can be linked to a pollutant being traded that results in a net water quality improvement at a point of compliance, which can be demonstrated using accepted and verified model or real-time data.

B. A trading area shall be defined to reduce the risk of localized or downstream water quality impairments or localized or downstream impacts.

C. Trading areas shall be developed, documented, and included in a WQT plan on a case-by-case basis.

D. Trading areas shall be consistent with any applicable TMDL or TMDL alternative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2615. Quantification of Benefits

A. The permittee and creditors will quantify the water quality benefits of a trading project based on estimated values for specific types of BMPs, modeling specific to the watershed trading framework or project, and/or by measuring the water quality benefits of a trading project by direct monitoring of pollutant reductions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 45:

§2617. Requirements for Trading Ratios

A. WQT shall include one or more trading ratios that apply to credits. Ratio components and underlying assumptions shall be clearly documented in the WQT plan.

B. Trading ratios may be used to account for variables associated with a trading project including, but not limited to the following:

1. taking into account risk of project failure;
2. BMP effectiveness;
3. measurement uncertainty;
4. in-stream attenuation of a pollutant between the locations of the generator and the user of credits;
5. temporal variability;
6. pollutant equivalency; and
7. credit retirement for environmental benefit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2619. Requirements for Credits

A. The department may authorize two types of credits dependent on the credit baseline.

1. Long-term credits shall be available above the credit baseline so long as the project that generates the credit is maintained and meets performance standards.

2. Interim credits shall be available for nonpoint sources to reach the load allocation of a TMDL for up to five years.

B. Credits used for compliance with LPDES permit shall be generated within the trading area of an approved WQT plan.

C. If trading is anticipated, an approved WQT plan shall be submitted as part of a permit application or department action. Effluent limitations, BMPs, and other requirements from an approved WQT plan shall be included as part of the permit conditions to make the terms of the trade enforceable.

D. A credit may not be used to meet a regulatory obligation by more than one entity at any given time.

E. Credit-generating projects shall go through project review, be in place, and be producing water quality benefits during the same time period(s) defined for compliance in an LPDES permit or other regulatory instrument.

F. Credits may be generated and used as long as pollution controls or practices are maintained and project review confirms that they are functioning as expected.

G. Credits shall be calculated using best available science, tools, and methodologies, including adjustment by (an) appropriate trading ratio(s).

H. Credit-generating projects may not include water quality benefits obtained with public conservation funds. Unless otherwise prohibited by the terms and conditions of the public funded project funding in part by public conservation funds shall be prorated based on the ratio of nonpublic funding used to generate credits.

I. Credits may be generated from BMPs installed before the department approves a WQT plan.

J. Credits may be purchased for the purposes of meeting compliance obligations, restoration, and protection and maintenance of water quality.

K. The acquisition of credits for compliance purposes does not eliminate any requirement to comply with local, state, and federal water quality requirements.

L. Credits shall be purchased prior to any compliance date in the permit in sufficient number to cover even the worst case scenarios for unexpected environmental conditions (e.g., low river flows) or discharges.

M. LPDES permits may contain conditions on the use of certified credits, including:

1. the extent that the requirement of the permit may be satisfied with certified credits;
2. when and from what source certified credits may be acquired by the permittee; and
3. requiring periodic monitoring of installed BMPs to verify credit generation/water quality improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ099. Such comments must be received no later than March 8, 2019, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ099. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on March 1, 2019, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Water Quality Trading

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

The proposed rule is anticipated to have indeterminate impact to the Louisiana Department of Environmental Quality (DEQ) to establish and administer a Water Quality Trading (WQT) program. The purpose of the WQT program is to promote the reduction of pollutant discharges into state waters. DEQ will maintain a registry (database) of certified credits involved with this program, and plans to utilize current staff and resources to absorb any additional costs from the creation of the program. To the extent participation in this program significantly increases in the future, DEQ may require additional personnel and support; however, it cannot be determined at this time if or when this would occur.

The proposed rule addresses important and essential elements of the DEQ's WQT program, with appropriate measures for accountability and enforceability, and with provisions to ensure transparency. The program applies to many different types of trades and the proposed rule is written to be flexible so that trading may be authorized under various scenarios. The participation in the WQT program is voluntary and relies on a market-based approach to offer economic incentives for pollutant reductions from point and non-point sources. Trading allows a source to meet its regulatory obligations by using pollutant reduction "credits" generated by another source that has lower pollution control costs.

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

The proposed rule is not anticipated at this time to have any effect on revenue collections of state or local governmental units. The financial transactions associated with buying and selling credits will be strictly between the entities involved and, at this time, DEQ will not be imposing a fee or charge for the services they will provide. To the extent participation in this program significantly increases in the future, DEQ may seek to impose a fee for these services to fund the needed additional personnel; however, it cannot be determined at this time if or when this would occur.

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

The proposed rule will have an indeterminable cost and benefit to directly affected persons and non-governmental groups through the sale of pollutant reduction credits generated from eligible projects to entities for permit compliance or environmental benefit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule.

Herman Robinson
General Counsel
1901#037

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Water Transfer Rule
(LAC 33:IX.2315) (WQ100ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.2315 (Log #WQ100ft).

This Rule is identical to federal regulations found in 40 CFR Part 122.3(i), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule adds water transfer discharges to the list of exclusions for a Louisiana Pollutant Discharge Elimination System, LPDES, permit. Federal regulations, which became effective on August 12, 2008, clarified that water transfers are not subject to regulation under the National Pollutant Discharge Elimination System (NPDES) permitting program. The basis and rationale are to mirror existing federal regulations found at 40 CFR 122.3(i). This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

PART IX. WATER QUALITY

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 23. Definitions and General LPDES Program Requirements

§2315. Exclusions

A. - A.7. ...

8. discharges from a water transfer: Water transfer means an activity that conveys or connects waters of the

United States without subjecting the transferred water to intervening industrial, municipal, or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2069 (October 2007), LR 37:589 (February 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A public hearing will be held on March 1, 2019, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ100ft. Such comments must be received no later than March 1, 2019, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ100ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

1901#035

NOTICE OF INTENT

Office of the Governor Board of Cosmetology

Cosmetology (LAC 46:XXXI.Chapters 3, 5, 7 and 17)

The Louisiana State Board of Cosmetology, under authority of the Louisiana Cosmetology Act, R.S. 37:561-607, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt certain rules relative to high school cosmetology course requirements, student registration reporting requirements, clinic floor minimum standards, adoption of school uniform policy, authorization requirements prior to changes in school operating procedures, equipment required in threading facilities, reinstatement procedures, and disposable equipment; and to amend certain rules relative to reporting and correcting student hours, reporting student registration and attendance, school faculty requirements and prohibitions, student registration access requirements, minimum equipment and operation requirements, student uniform responsibilities, expiration of student hours, booth renters, cosmetology instructors, continuing education requirements, master cosmetology instructors, equipment required in manicuring salons, school and salon remodeling requirements, picture identification requirements, and non-sufficient fund payments; to repeal certain rules relative to student examination requirements and school libraries; and to make technical revisions.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Cosmetologists

Chapter 3. Schools and Students

§309. Examination of Applicants

A. - D. ...

E. Examination. Students must bring a mannequin to the examination. Students will be required to perform practical work on the mannequin during the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(4) and R.S. 37:586.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:834 (May 2006), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:

§310. Requirements for High School Cosmetology Courses

A. Curriculum. High schools approved by the Louisiana Department of Education may be approved by the board to offer up to 500 hours of cosmetology theory instruction transferable to a cosmetology school approved by the board.

B. Registration. High schools may register students who are:

1. enrolled within the school system;
2. at least 16 years of age; and
3. completed the tenth grade (11 credits).

C. Faculty. Each faculty member who teaches cosmetology theory must have an active Louisiana cosmetology instructor license. At least one active Louisiana cosmetology instructor must be available for substitution in the event the regular instructor is unavailable.

D. Classrooms. A detailed floor plan of the proposed classroom, drawn to scale, shall be submitted to the board for approval. The cosmetology theory classroom shall be at least 400 square feet, have equipment necessary for demonstration and have adequate ventilation. No cosmetology instructor shall teach more than 20 students at any class period. No clinic shall be operated in a high school. No services shall be performed for the public or on paying clients at a high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(7).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 45:

§311. Reporting Student Hours

A. Registration. Schools shall register students with the board by submitting an accurate and completed registration application as well as the required supporting documentation within 45 days after the students start school. The maximum number of hours which will be accepted by the board at the time of registration is the number of hours earned within 45 days preceding registration. Completed registration applications received by the board more than 45 days after the student started school shall be considered late. The board's staff is authorized to register the student and credit hours earned upon payment of the following fine for the late student registration if the school waives its right to a hearing before the board.

Days from Student's Start Date to Board's Receipt of Completed Application	Days Late	Fine
46-74	1-29	\$250
75-104	30-59	\$500
105-134	60-89	\$1000
135-164	90-119	\$1500
165+	120+	\$2500

B. Hours. Schools must register each student's hours with the board no later than on the tenth of the month for hours earned by each enrolled student in the prior month. Any student who did not earn any hours during the month shall be included on the report and the number of hours earned shall be reported as zero. Schools may correct hours submitted to the board within the preceding 60 days. Corrections to hours submitted more than 60 days prior may be corrected by the staff upon payment of a fine of \$50 per month for each student record corrected if the school waives its right to a hearing before the board.

C. Attendance. A representative of the school designated by the school owner must certify the student's attendance for hours reported to the board. No overtime or double time shall be permitted. Only hours devoted to the prescribed curriculum shall be included. Students shall not earn more than 48 hours of training in any calendar week.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595(A)(5).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:835 (May 2006), LR 33:1628 (August 2007), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:

§315. Responsibilities of Schools

A. - A.6. ...

7. Schools shall verify all student registration documents required by this Section within 30 days after the student starts school. If the school is not in possession of all documentation required for registration within 30 days of the student starting school, the student shall not be permitted to attend classes for course credit and the school shall not charge the student any fee for attending class.

B. - D. ...

E. Faculty. No school shall permit an instructor who has an expired or inactive instructor's license to teach cosmetology courses for course credit. All schools must maintain a faculty of at least one instructor per every 20 students enrolled. Each faculty shall include at least two instructors, who are teachers registered by the board, at least one of whom shall have been a registered teacher and in active practice for at least 18 months. The school shall be supervised by a registered teacher of cosmetology in active practice, with at least 24 months of teaching experience in an accredited school of cosmetology approved by the board. An instructor roster must be submitted on a quarterly basis.

F. ...

G. School Closing. Any school owner who intends to close any school shall notify the board in writing as soon as possible. Electronic copies of documents relative to closure must be provided to the board office, including, but not limited to, teach-out plans and teach-out agreements. The board shall be the custodian of records for any school which closes.

H. - I. ...

J. Registrations. All student registrations must be posted in a conspicuous place or kept in a binder in a place accessible to students during regular school hours.

K. ...

L. Repealed.

M. - O. ...

P. Clinic Floor. Students must have a student registration and have completed a minimum of 100 hours in the curriculum prior to performing services on the clinic floor. Students shall perform services only within the curriculum on the student registration certificate.

Q. Uniform Policy. On or before July 1, 2019, each school shall adopt and implement a uniform policy consistent with LAC 46:XXX.321.C.

R. Changes. Any change including but not limited to the curriculum, class schedules, or hours of operation which impact students must be requested in writing to the board for approval prior to implementing the requested change unless the change is due to an emergency. The school shall notify the board of any change due to an emergency as soon as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:910 (May 2018), LR 45:

§317. Equipment Required in Cosmetology Schools

A. - A.1 ...

2. three hair dryers;

3. - 4 ...

5. Repealed.
6. ...
7. sanitizing station with an adequate supply of wet sanitizer;
8. six extra mannequins for teaching purposes;
9. twenty working stations with space for working and supplies;
10. - 11. ...

B. Classroom. Every cosmetology school must have a minimum of 3,500 square feet. Every classroom must be a minimum of 400 square feet, entirely separate from the practical work room, equipped with the following:

1. anatomy charts;
2. marker or chalk board, dry erase, or electronic board for teaching

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:328 (March 2003), amended LR 45:

§321. Responsibilities of Students

A. - B. ...

C. School Uniforms. Students attending schools shall maintain a professional image and shall wear clean uniforms.

1. Students may wear pants or skirts; however, skirt hemlines must not be shorter than just above the knee.
2. ...
3. Students must wear clean, enclosed shoes with socks.
4. ...
5. - 5.n. Repealed.

D. Students must adhere to the school's uniform policy.

E. Hours. Student hours shall become invalid six years after the date the hours were earned if the student does not complete the curriculum. Earned hours do not expire if the student completed the curriculum.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 29:2781 (December 2003), LR 32:835 (May 2006), LR 33:1628 (August 2007), LR 45:

Chapter 5. Licensees

§501. Booth Renters

(Formerly LAC 46:XXXI.1103)

A. Agreement. Any individual performing cosmetology services in a salon who is not paid by commission, an hourly rate, or salary must obtain a booth renter's permit. A copy of the executed agreement between the salon owner and the cosmetologist shall be submitted to the board at the time of application for a booth rental permit. A booth renter's permit shall be issued after an inspection of the booth prior to services being performed in the rented booth. Booth renter permits are non-transferable.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:592 and R.S.37:593.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 45:

§505. Cosmetology Instructors

A. Instructors. No person shall teach a cosmetology, manicuring, esthetics, or any course required for licensure without an active instructor's license for the curriculum.

B. Master Instructors. All instructors with a minimum of five consecutive years teaching experience and who attend 16 hours of approved continuing education for five consecutive years will receive a master instructor license with an official title, MCI.

C. Reinstatements.

1. Instructors. An expired or inactive instructor's license shall only be reinstated or renewed only if the applicant has completed the required continuing education hours within the 24-month period preceding the application for reinstatement or renewal.

2. Master Instructors. In order to maintain the master instructor license the instructor must attend a minimum of 16 hours of approved continuing education each year. If a master instructor does not attend the 16 hours during one year, the master instructor license will be reinstated after two consecutive years of completing 16 hours of approved continuing education.

D. Continuing Education. Each licensed instructor shall attend a board approved seminar at least once every two years to maintain active status. The continuing education seminar shall consist of at least 16 hours of training in cosmetology and related fields as approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 45:

Chapter 7. Safety and Sanitation Requirements

§707. Equipment Required in Salons Offering Esthetics Services

A. - A.1. ...

2. stool for operator;

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003), amended LR 32:835 (May 2006), LR 45:

§709. Equipment Required in Salons Offering Manicuring Services

A. - A.5 ...

6. manicuring table;
7. lavatory with hot and cold running water; and
8. water basin or pedicure chair for salons offering pedicure services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:330 (March 2003), amended LR 32:835 (May 2006), amended by the Office of the Governor, Board of Cosmetology, LR 44:911 (May 2018), LR 45:

§710. Equipment Required in a Threading Facilities

A. Threading Equipment. Threading shall not be performed in any threading facility or salon unless the following items are available for use:

1. hand washing sink;
2. hot and cold running water;
3. stool for operator and chair for client;
4. lamp;
5. sanitizers or sterilizers for implements;
6. thread;
7. towels;
8. covered waste bins; and
9. covered container for towels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 45:

§711. Procedures for Esthetics Services

A. - B.1. ...

2. wash all implements with antimicrobial wash prior to sanitization or sterilization;

3 - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended LR 45:

§715. Disposable Equipment

A. - A.8. ...

9. cotton pads;
10. emery boards; and
11. razors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended LR 45:

Chapter 17. Miscellaneous Provisions

§1707. Remodeling

A. Application. When any school, salon, or mobile salon desires to remodel, a notice of intent shall be submitted to the board.

B. Temporary Premises. If remodeling requires the use of temporary premises for the continuance of operation during remodeling, an inspector may approve such temporary premises as are adequate provided such premises are sanitary and sufficient for use during the stated time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:913 (May 2018), LR 45:

§1709. Picture Identification

A. All licensees and permittees shall have in their possession a valid driver's license or identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that includes the name of the licensee or permittee picture identification at any time at which a service is being performed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended LR 29:2782 (December 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:913 (May 2018), LR 45:

§1711. NSF Checks

A. Late Fee. If a check received by the board is returned to the board by the bank due to non-sufficient funds the payment date shall be the date of receipt of valid payment, any bank charge imposed on the board and any applicable late fee.

B. Revocation. If a license was issued before a check is returned to the board by the bank due to non-sufficient funds, the applicant's license shall be subject to revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended LR 45:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding education and supervision of their children;
3. the functioning of the family;
4. family earnings and budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits'
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions, and arguments regarding the proposed Rule. No preamble has been prepared. Written submissions shall be directed to Steve Young, 11622 Sunbelt Court, Baton Rouge, LA 70809 and must be received no later than noon on Monday, February 11, 2019.

Steve Young
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Cosmetology**

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XI. Boxing and Wrestling

**Chapter 5. Professional Wrestling
Subchapter A. Class "A" Wrestling**

§501. Ring Rules

A. In addition to the rules set forth below, Chapter 1. General Rules set forth above shall apply to Professional Wrestling.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, amended by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§503. Special Wrestling Rules

A. The following special rules and regulations apply particularly to all persons and parties licensed as wrestlers, wrestling managers, wrestling commissions, wrestling promoters and wrestling matchmakers, or to any other individual issued a wrestling license by this commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§505. Commission Representative Present at Wrestling Show

A. Each wrestling match shall be attended by either a commission member or commission representative, hereinafter "commission official." The commission official shall have the full power to act on behalf of the commission to interpret, construe, and fully enforce all the rules of the commission and each such official has the power and authority to immediately suspend, without prior notice, any licensee for any violation of the rules of the commission or of the laws of this state.

B. The commission official in charge of any wrestling contest or exhibition shall have complete authority over all phases of the event, including entrances for participants, officials, and employees; the ring and ringside, including press, radio and television accommodations; over all the dressing rooms of participants and officials; the counting and accounting for all tickets, including working press, complimentary tickets for participants, officials, and employee tickets; the collection of all fees, and the issuance of all licenses and the fees therefore.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§507. Officials

A. The promoter shall provide all officials for the event, including the referee. The promoter is responsible to the commission for all actions of these appointed officials. The failure to manage, appoint or properly supervise said officials may lead to the suspension of the promoter.

B. The commission official can over-rule the promoter's choice of official and require that another official be appointed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

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

The proposed rule changes will have indeterminable costs to local school districts which elect to implement the curriculum. The proposed rule changes clarify several sections involving instructor licensure, student hours, student coursework, student responsibilities, and other procedures concerning cosmetology schools. The proposed rule changes establish a cosmetology theory course in certain high schools for enrolled students who are at least 16 years of age and have completed the 10th grade. This course will require classrooms to meet the same requirements applicable to satellite classrooms (R.S. 37:596) and to meet the same student teacher ratio of no more than 20 students per instructor (LAC 46:XXXI.315(E)) applicable to cosmetology schools. To the extent a cosmetology course is offered, the school system will be required to hire an additional (cosmetology) instructor. To the extent the cosmetology course is offset with other course offering reductions, these costs will be mitigated. Actual costs will vary by district and are indeterminable at this time.

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

The proposed rule changes will have no effect on revenue collections of state and local governmental units.

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

Proposed rule changes will increase access to cosmetology courses by offering a curriculum which will enable high school students to earn up to 500 hours of credit which can be transferred to a cosmetology school to be credited toward the total number of hours required to apply for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are anticipated to have a positive effect on competition and employment. It will allow threading services to be performed in a facility with less equipment requirements than cosmetology and esthetics salons.

Steve Young
Executive Director
1901#066

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Boxing and Wrestling Commission**

Professional Wrestling
(LAC 46:XI.Chapter 5)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to adopt the following Rule. This proposed Rule is necessary to promote the safety of contestants, other participants and spectators, to repeal sections previously moved to the general rules, to clarify and update wrestling rules pursuant to prohibited wrestling holds and moves to national and international wrestling standards and enforcement thereof. This Notice of Intent also introduces new Class "B" wrestling standards pursuant to legislation passed in the 2018 Regular Session, HB 502.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§509. Conduct of the Participants

A. It shall be the duty of the referee, promoter, and his agents and employees, and the participants in any wrestling exhibition to maintain peace and order in the conduct of any exhibition.

B. No person under the age of 16 years shall participate in any professional wrestling match.

C. A wrestler shall not physically engage and/or include in the bout any spectator or third person not licensed by the commission.

D. A wrestler shall not deliberately cut or otherwise mutilate himself while participating in a wrestling contest or exhibition.

E. No wrestler shall molest, hit or abuse any spectator, referee or judge, or engage in any unsportsmanlike conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§511. Holds

A. Any hold, grip, lock or trip is allowed except as herein listed: stranglehold, scratching, eye gouging, striking with knuckles, pulling hair, kicking, butting in the face, cutting off breath by shutting nose and mouth at the same time. The inserting of fingers in the mouth, deliberate throwing of opponent over top rope or through the ropes. In addition, the following moves or throws are strictly banned from all wrestling events:

1. all variations of the pile driver;
2. all variations of the power bomb;
3. the "moonsault", "shooting star", or "450 splash" or any variation thereof which involves one wrestler, leaping or flipping off the ropes or turnbuckles to contact the head or neck of the opponent with any part of his body;
4. the "stungun" of any variation thereof which results in the one fighter's head or neck being dragged, draped or "close-lined" across the ropes;
5. the striking of a wrestler's head with any object, chair, trashcan lid, etc., and
6. no wrestler shall throw, push, shove or force another out of the ring or over the top rope.

B. The commission official may, at his sole discretion, allow wrestlers to perform prohibited holds, moves or maneuvers listed above, provided permission is sought and obtained prior to the event by both wrestlers and the requesting wrestlers have sufficient training, athletic ability and experience to perform the maneuver without endangering one another and wrestling outside the ring are specifically prohibited.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, amended by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§513. Leaving the Ring

A. All wrestling must take place within the ropes and no wrestler shall deliberately leave the enclosed ring during the course of a bout nor shall any wrestler leave the ring in pursuit of another wrestler.

B. If a contestant crawls through the ropes or out of the ring and refuses to return at the count of ten by the referee, said contestant will be disqualified.

C. Wrestlers deliberately throwing opponents out of the ring are guilty of a foul and the referee may therefore award the exhibition to the fouled wrestler if the fouled wrestler cannot continue.

D. Any wrestler who deliberately leaves the enclosed ring during the course of an exhibition, and if the offense is repeated after once given warnings by the referee, the wrestler will be disqualified.

E. A wrestler who accidentally is forced from the ring must return to the ring by the count of 10 by the referee or be disqualified;

F. The commission official may, at his sole discretion, allow wrestlers to perform prohibited holds, moves, maneuvers or leaving of the ring as listed above provided permission is sought and obtained prior to the event by both wrestlers and the requesting wrestlers have sufficient training, athletic ability and experience to perform the maneuver without endangering one another and wrestling outside the ring are specifically prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§515. Health of Participants

A. Participants in all exhibitions must be properly trained and in fit physical condition to wrestle. The commission and the attending physician are to be the sole judges of such condition. If a participant is not physically fit, the commission shall refuse to permit the bout to take place; and

B. No wrestlers shall conceal from the commission or a physician acting on behalf of the commission any known illness or disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§517. Items Prohibited in the Ring

A. The items allowed in the ring with the fighter are limited to his costume.

B. Razors, knives or any other sharp objects in the ring are strictly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§521. Costumes [Formerly 507]

A. Wrestlers appearing in exhibitions must be properly clothed in neat and clean apparel.

B. Masks may be used by any wrestler, but they shall be tight on the scalp and shall not impair the wrestler's vision;

C. All apparel shall be free from sharp or abrasive objects;

D. The costume shall be free from racial commentary; shall not display lewd or offensive material, and shall not have foul or inappropriate language thereon; and

E. The commission official shall be empowered to require a wrestler to either change into another costume or add clothes to an existing costume if in the representative's opinion the wrestler's costume is inappropriate.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, amended by the Office of the Governor, Boxing and Wrestling Commission, LR 45

§523. Mats and Ropes [Formerly 509]

A. Mats shall be not less than one inch thick and must be stuffed with hair, felt, cotton or other soft material, and shall cover the entire ring platform. The mat and covering shall be clean and free from disagreeable odors at all times.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, amended by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

Subchapter B. Class "B" Wrestling

§525. Wrestling Promoters Class "B" Licensing

A. There is hereby created a Class "B" wrestling license to permit promoters to promote smaller wrestling events. Wrestling promoters will not be allowed to hold both Class "A" and Class "B" licenses simultaneously.

B. There shall be no more than five Class "B" wrestling licenses issued per calendar year;

C. Class "B" licenses will be issued only to persons in good standing with the commission, who have the requisite level of trustworthiness, knowledge and experience necessary to follow the statutes and rules of the commission and experience necessary to conduct such events;

D. Once a promoter has obtained a Class "B" wrestling license, he shall be limited to promoting wrestling events at venues with a capacity of 400 persons or less, or events held in a primary or secondary school pursuant;

E. Under no circumstances will the holder of a Class "B" wrestling license be permitted to promote a show for any other person and

F. The cost for a Class "B" wrestling promoter license shall be \$250.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, and 4:83(B)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§527. Application of Subchapter A Wrestling Rules and Exceptions

A. The conditions described specifically in Subchapter A wrestling rules also apply to Subchapter B Class "B" wrestling events, promoters and contestants and as put forth in Chapter 1. General Rules with the following exceptions.

1. No bond is required for promoters who exclusively promote Class "B" events.

2. The five percent tax of gross receipts will not be collected.

3. The appointment of a physician, emergency personnel and ambulance will not be required at Class "B" events.

4. The presence of an event coordinator or commissioner in attendance will not be required for Class "B" events.

5. The show reservation fee of \$250 will not be required for Class "B" events.

6. Class "B" promoters will not be required to purchase health insurance as required in Chapter 1. General Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:83(B)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§529. Submission of Documents for Class "B" Licenses

A. There shall be a Form 528(A), 528(B), and 528(C) created by the commission and posted on the commission website for the submission of requests for Class "B" shows.

B. Along with the completed Form 528(A) each promoter shall be required to submit:

1. one of the following:

a. a document from the fire marshal indicating that the venue is 400 persons or less or;

b. Form 528(B) signed by an appropriate official from the primary or secondary school where the event is to be held;

2. one of the following:

a. an insurance policy indicating that the promoter has secured a commercial liability policy in the amount of \$100,000 which will be in effect for the event; or

b. Form 528(C) indicating that the venue provides a commercial liability policy in the amount of \$100,000 which will be in effect for the event;

3. current documentation evidencing that the individual is certified in infant/child/adult CPR;

4. for each wrestler listed as participating in the event, up to date medical testing results pursuant to medical requirements of the general rules of this title, and

5. for each wrestler who has never been licensed by the commission, either:

a. a copy of a wrestling license issued by another state or jurisdiction; or

b. Form 529(A) verifying the wrestler has been cleared to participate in the event as set forth under §529. Participants.

C. Form 528(A) along with all documents set forth above shall be submitted to the commission no less than 15 days prior to the event, there shall be no exceptions to this 15 day deadline;

D. At the time of the submission of Form 528 (A) the promoter shall submit a check payable to the commission for the sum of \$50 to pay for expenses of the examination and verification of the documents and forms.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, 4:83, 4:83(B) and 4:83(B)(5)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission LR 45:

§531. Participants

A. No person, who has not previously been licensed as a professional wrestler in the state of Louisiana, or other state or recognized jurisdiction, shall be entitled to participate in any event under this chapter;

B. A person, who has not previously been licensed as a professional wrestling in the state of Louisiana, or other state or recognized jurisdiction, can obtain clearance to participate in an event under this chapter by doing the following:

1. submitting Form 529(A) to arrange an examination by the commission, which will be set at a reasonable place and time to be arranged through the commission;

a. at the examination, the commission shall determine that the applicant has the physical ability, skill and training to participate in an event;

b. if the applicant is successful, the commission shall complete Form 529(A) and issue a copy of same to the applicant;

c. if the applicant is unsuccessful, he may, within three months, apply for re-examination;

2. at the time of the submission of the 529(A) Form to the commission, the applicant shall include a cashier's check or money order in the amount of \$50 to secure the attendance of the deputy commissioner at the examination;

3. in no event shall the applicant be entitled to participate in a show within 15 days of his successful examination.

C. The commission declares that the participation of any contestant not listed on Form 528 (A) is a danger to the public health, welfare and safety requiring immediate action, and the commission may summarily suspend a promoter or wrestler's license pending a hearing, if such a violation has been committed.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, 4:83, 4:83(B) and 49:961

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

§531. Promoter's Obligations

A. The promoter is obligated to the commission, the public and the participants to insure all rules and regulations of the commission are followed, except those specifically excluded by R.S. 4:83(B). In addition, the promoter shall, within 15 days of his event, send a report the commission which shall contain the following:

1. injuries suffered by any of the contestants, including but not limited to

a. cuts requiring stitches

b. broken bones

c. injuries requiring emergency medical treatment or hospitalization;

d. it shall be the duty of the promoter to include the name of the injured contestant as well as all other relevant information concerning the person's treatment, etc.,

2. injuries suffered by any of the spectators;

3. number of persons attending the event;

4. a list of any violations of the rules and regulation set forth under this title, including the name of the perpetrator(s) and the specific violation(s) committed;

5. if a promoter fails to submit this report within 15 days after the event, no approval for a new event shall be granted except by application submitted directly to the commission at one of its regular monthly meetings, at which time the promoter shall also explain the reason for his failure to timely submit his report. Multiple failure to submit timely reports may lead to suspension.

6. the commission declares that the promoter's failure to operate his event in compliance with this title, and the rules and regulation of the commission, is a potential danger to the public health, welfare and safety requiring immediate action, and the commission may summarily suspend a promoter license pending a hearing, if such a violation has been committed

AUTHORITY NOTE: Promulgated in accordance with R.S.4:64, 4:65, 4:83, 4:83(B) and 49:961

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service and no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments, views or positions, on these proposed Rule, in writing to John Green, Jr., Secretary, Louisiana State Boxing and Wrestling Commission, 1135 Hodges St., Lake Charles, LA 70601 within 20 days of publication.

Anthony "Buddy" Embanato
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Professional Wrestling

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

There will be a net decrease in expenditures to the Louisiana State Boxing and Wrestling Commission (LSBWC) as a result of the proposed rule change. There is an anticipated decrease of approximately \$39,645 associated with the LSBWC no longer having to pay commissioners or representatives, also known as event coordinators, to attend Class B shows. In FY 18, there were approximately 76 shows that could be considered a Class B event. Additionally, there will be a minimal increase in expenditures associated with the creation of new application forms for Class B wrestling promoters.

In accordance with Act 210 of 2018, the proposed rule change establishes a Class B wrestling promoter license for wrestling shows in venues with a capacity less than 400 or a primary or secondary school. A Class A wrestling promoter license is now being established in order to differentiate between the two, and will remain subject to current rules and practices. The Class B license will be available to a maximum of five individuals in good standing each calendar year with an annual cost of \$250, which is the current cost of a license.

NOTICE OF INTENT

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

General Subgrant Guidelines
(LAC 22:III.4301, 4501, 4505, 4507, 4509, and 6101)

In accordance with the provision of R.S. 15:1204, R.S. 15:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby adopts rules and regulations relative to subgrants.

Title 22

CORRECTIONS, CRIMINAL JUSTICE, and LAW ENFORCEMENT

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

Subpart 3. General Subgrant Guidelines

Chapter 41. Procedures

§4301. Applicability

A. When an application for funding is rejected by the commission, or when an approved subgrant is discontinued, the applicant or subgrantees may appeal the decision of the commission by filing a written notice of appeal with the Louisiana Commission on Law Enforcement at the recognized business address. The notice of appeal must be sent via certified mail and must be filed no later than 15 business days after receipt of the notice of denial by the applicant or subgrantee.

B. - I. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:64 (February 1982), amended LR 11:252 (March 1985), amended LR 45:

Chapter 45. Guidelines

§4501. Limitations

A. Anything in this guidance that is in conflict with applicable federal law, regulation or guidance, or with applicable state law shall not prevail.

B. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:63 (February 1982), amended LR 11:253 (March 1985), LR 32:80 (January 2006), amended LR 45:

§4505. Indirect Costs

A. ...

B. Indirect costs on federal subgrants are subject to federal guidance and may be limited further by the respective advisory boards. Indirect costs are not to exceed 10 percent of modified total direct costs. A current Indirect Cost Rate or Allocation Plan previously approved by the cognizant federal agency must be on file with LCLE before submittal of applications to the respective advisory boards.

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

Class B promoters will not be subject to: bond requirements; a 5% tax on gross receipts; physician requirements; commissioner in attendance requirements; the show reservation fee of \$250; and the health insurance requirements. Class B promoters will, however, be required to obtain a commercial liability policy with a minimum amount of \$100,000; and provide the necessary documentation along with an accompanying \$50 review fee. (A \$50 fee will be assessed for the commission to evaluate any unlicensed wrestler outside of the normal review process who may participate in an event.) Lastly, the proposed rule change revises language in order to reflect current practices associated with professional wrestling.

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

There will be a net decrease in revenues to the LSBWC as a result of the proposed rule change. The commission will not assess the show reservation fee of \$250 or the 5% tax on gross income to Class B promoters. In FY 18, there were approximately 76 shows that would have been eligible for Class B promoters, which generated approximately \$24,150 from show reservation fees and taxes.

Class B promoters will be assessed a \$50 fee in order for the commission to verify documents submitted 15 days prior to an event. Additionally, to the extent an unlicensed wrestler needs to be evaluated for an event outside of the review process, promoters will be assessed an additional \$50 for the commission to conduct an evaluation on the potential wrestler. Revenues will be dependent on the number of shows and unlicensed wrestlers, and are indeterminable at this time.

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

Currently licensed individuals who will become licensed as Class B wrestling promoters will be impacted by the proposed rule change. Class B promoters will not be assessed the show reservation fee of \$250 per event or the 5% tax on gross receipts per event; they will not be required to purchase health and accidental insurance which averages \$645 per event; hire state licensed doctors to attend the event which costs approximately \$300 - \$500 per event; and they will not be responsible for submitting a \$5,000 bond. Class B promoters will, however, be responsible for the following: a \$50 documentation review fee; a potential \$50 unlicensed wrestler evaluation fee; a commercial liability insurance policy in a minimum amount of \$100,000 which is anticipated to cost \$550 per event (to the extent they will not be covered under the facilities policy); ensure a CPR certified individual will be present during the event with an anticipated cost of \$50 per event; as well as submitting documentation within 15 days after the event detailing injuries of participants and spectators, the number of people attending, and a list of any rules or regulations violated during the event.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Four individuals hired by the LSBWC to serve as event coordinators will realize a decrease in their income because Class B events will not require these individuals to be in attendance. The commission anticipates an annual decrease of approximately \$10,000 per individual based on FY 18 expenditures. Additionally, physicians currently overseeing these events will not be required, and they will also realize a decrease in annual income, however the amount will differ between physicians.

Addie L. Fields
Administrative Assistant
1901#071

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:63 (February 1982), amended LR 11:253 (March 1985), LR 32:80 (January 2006), amended LR 45:

§4507. Regional Planning Units and Criminal Justice Coordinating Councils

A. ...

B. The commission may make direct grants of administrative funds to RPU's or CJCC's. Any such grants are subject to an increase or reductions received by LCLE from the responsible funding authority.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:63 (February 1982), amended LR 11:253 (March 1985), LR 32:80 (January 2006), amended LR 45:

§4509. Funding Restrictions

A. - C. ...

D. There are special requirements relative to the following:

1. Private, Non-Profit Agencies, Private, non-profit agencies, with the exception of an RPU or CJCC, will be required to have a current surety bond equal to the amount of the subgrant.

2. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:63 (February 1982), amended LR 11:253 (March 1985), LR 32:80 (January 2006), amended LR 45:

Subpart 5. Grant Application or Subgrants

Utilizing Federal, State or Self-Generated Funds

Chapter 61. Policies and Procedures

§6101. VOCA and VAWA Grants

A. ...

B. The Victims of Crime Act of 1984 (VOCA) established within the U.S. Treasury an account funded by federal fines, penalties and forfeited bail bonds to be used for the purpose of funding victim assistance grants to the states. These grants are to be used for programs that provide direct services to victims of crime, with priority given to programs that have as their principal mission direct assistance to victims of sexual assault, spousal abuse, child abuse, and previously underserved victims of violent crime. VOCA funds in the state are administered by the Louisiana Commission on Law Enforcement in consultation with Victim Services Advisory Board to the Commission. The VOCA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

C. ...

D. The Violence Against Women Act (VAWA) of 1994 was designed to improve criminal justice system responses to domestic violence, sexual assault, and stalking, and to increase the availability of services of these crimes. The State office shall allocate funds to courts, and for law enforcement, prosecution and victim services (including funds that must be awarded to culturally specific community-based organizations.) The VAWA program in Louisiana is administered pursuant to the federal regulations in effect for the program.

E. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 8:63 (February 1982), amended LR 11:253 (March 1985), LR 32:80 (January 2006), amended LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it only clarifies the procedures for applying for reparations.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973. B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than March 1, 2019, at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Jim Craft
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General Subgrant Guidelines

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

The proposed rule changes will not have any impact on expenditures for state or local governmental units. The proposed changes make technical modifications to policies regarding eligibility requirements for subgrants from the LCLE, which have been standard practice for many years.

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

Implementation of the proposed rule will not increase revenue collections of state or local governmental units.

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

It is estimated that implementation of the proposed rules will have little or no effect on directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of this proposal.

Jim Craft
Executive Director
1901#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Crisis Receiving Centers—Licensing Standards
(LAC 48:I.Chapter 96)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 96 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of hospital crisis receiving centers in order to adopt provisions to allow free-standing psychiatric hospitals which do not have dedicated emergency departments (EDs) to designate crisis receiving center-specialty units (CRC-SUs) as EDs for patients in need of psychiatric crisis treatment, if the CRC-SU meets all of the same regulations as a hospital ED.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 96. Hospitals—Crisis Receiving Centers

Subchapter A. General Provisions

§9601. Introduction

A. A hospital crisis receiving center is a specialty unit of a hospital that provides health care services to individuals who are experiencing a behavioral health crisis.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9603. Licensure Requirements

A. All crisis receiving center specialty units shall be licensed by the department and shall comply with the provisions of §9333 of these hospital licensing standards.

B. A crisis receiving center specialty unit (CRC-SU) shall have approval from the Office of Behavioral Health (OBH) and/or the appropriate human service district or authority before applying to become licensed as part of the hospital.

C. Prior to securing licensure and operating the CRC-SU, the hospital shall submit architectural plans of the CRC-SU to the Office of the State Fire Marshal (OSFM) for licensing approval.

D. - F. ...

G. If the CRC-SU is located at an offsite campus or is at a free-standing psychiatric hospital which does not have a dedicated emergency department, the CRC-SU shall be considered a dedicated emergency department. The CRC-SU shall comply with all EMTALA regulations if the unit meets one of the following criteria:

1. the entity is licensed by the state as an emergency department of the hospital;

2. - 3. ...

H. The following levels of a CRC-SU may be licensed as an optional service of the hospital:

1. Level I CRC-SU only; or

2. Level I CRC-SU and Level II CRC-SU.

I. A CRC-SU shall maintain compliance with the:

1. Office of Public Health (OPH) regulations; and

2. Office of State Fire Marshal regulations.

3. Repealed.

J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9605. Licensing Process

A. The hospital shall submit the following items to the department in order to add a CRC-SU to its existing license:

1. ...

2. the required licensing fee, if applicable;

3. a copy of the prerequisite approval from OBH and/or the appropriate human service district or authority; and

4. other documentation as required by the department, including a current Office of Public Health (OPH)/Sanitation approval and Office of State Fire Marshal approval for occupancy and licensing plan review.

B. - C. ...

1. The sub-license/certificate shall designate the level of the CRC-SU and the licensed capacity of the CRC-SU.

C.2. - E. ...

F. The sub-license/certificate shall be valid only for the designated geographic location and shall be issued only for the person/premises named in the application. The geographic location of the CRC-SU shall not be moved, changed, or relocated without notification to HSS, approval by HSS, and the re-issuance of the sub-license/certificate.

G. The department may conduct on-site surveys and inspections at the CRC-SU as necessary to ensure compliance with these licensing standards.

H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9607. Discharges, Referrals or Transfers

A. Patients who are discharged home from the CRC-SU shall be given verbal and written discharge instructions and any referral information, including information for appointments regarding follow-up care and treatment.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:514 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9609. Training Requirements

A. A CRC-SU shall ensure that all staff providing direct patient care has documentation of successful completion of crisis services and intervention training in accordance with this Chapter.

B. Crisis services and intervention training shall include, but is not limited to the following:

1. an organized training program that includes an initial 40 hours of training to be completed upon hire and a minimum of 12 hours of training to be completed annually thereafter. Required training includes, but is not limited to the following areas:

a. - j. ...

k. an overview of mental illness and substance abuse diagnoses and treatment;

l. - n. ...

o. confidentiality and Health Insurance Portability and Accountability Act (HIPAA) regulations; and

p. ...

C. All formal training shall be provided by a licensed mental health professional (LMHP) or other qualified licensed behavioral health personnel with extensive experience in the field in which they provide training. Nonviolent physical interventions shall be taught by a trainer with documented current certification by a nationally established crisis intervention program (e.g. Crisis Prevention and Intervention, Tactical Crisis Intervention, Crisis Intervention Training, etc.).

1. An LMHP is an individual who is currently licensed to practice independently and in good standing in the state of Louisiana to practice within the scope of all applicable state laws, practice acts, and the individual's professional license, as one of the following:

- a. medical psychologist;
- b. licensed psychologist;
- c. licensed clinical social worker (LCSW);
- d. licensed professional counselor (LPC);
- e. licensed marriage and family therapist (LMFT);
- f. licensed addiction counselor (LAC);
- g. advance practice registered nurse (APRN); or
- h. licensed rehabilitation counselor (LRC).

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:514 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

Subchapter B. Level I Crisis Receiving Centers

§9615. General Provisions

A. ...

B. The length of a patient stay for a Level I CRC-SU shall not exceed 24 hours, unless there is documented evidence of the CRC-SU's measures taken to transfer the patient to the appropriate level of needed care and the reasons the transfer of the patient exceeds 24 hours.

C. Services required of a Level I CRC-SU include, but are not limited to:

1. - 2. ...

3. assessment services, including medication management;

4. brief intervention and stabilization; and

5. ...

D. The Level I CRC-SU shall develop and implement policies and procedures for instituting an increased level of supervision for patients at risk for suicide and other self-injurious behaviors.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:514 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9617. Level I Services

A. - B.3. ...

4. The triage/screening shall include:

a. - e. ...

f. a medical screening including at a minimum, vital signs and a medical history, as soon as the patient's condition permits.

5. The triage/screening shall be conducted by licensed professionals in the medical or behavioral health fields that have the training and experience to triage/screen individuals for both behavioral and medical emergent needs in accordance with the scope of practice of their licensed discipline.

B.6. - C.2. ...

3. The assessment shall be initiated within two hours of the triage/screening evaluation and shall include:

a. a full psychiatric assessment;

b. - c. ...

4. A full psychiatric assessment shall include:

a. patient interviews by board certified/eligible licensed psychiatrist(s) or psychiatric nurse practitioner(s) trained in emergency psychiatric assessment and treatment;

b. a review of the medical and psychiatric records of current and past diagnoses, treatments, medications and dose response, side-effects and compliance, if available;

c. contact with current behavioral health providers whenever possible;

d. - g. ...

h. a detailed assessment of substance use, abuse, and misuse; and

i. an assessment for possible abuse and neglect; such assessment shall be conducted by an LMHP trained in how to conduct an assessment to determine abuse and

neglect. The CRC-SU shall ensure that every patient is assessed for sexual, physical, emotional, and verbal abuse and/or neglect.

5. All individuals shall be seen by a licensed psychiatrist or a licensed APRN within eight hours of the triage/screening. The board certified/eligible psychiatrist or APRN shall formulate a preliminary psychiatric diagnosis based on review of the assessment data collected.

a. The APRN must be a nurse practitioner specialist in adult psychiatric and mental health, family psychiatric and mental health, or a certified nurse specialist in psychosocial, gerontological psychiatric mental health, adult psychiatric and mental health, or child-adolescent mental health and may practice to the extent that services are within the APRN's scope of practice.

6. A physical health assessment shall be conducted by a licensed physician, licensed advanced nurse practitioner, or a licensed physician's assistant and shall include the following:

a. - d. ...

e. pregnancy test in all women of child-bearing age, as applicable;

f. - h. ...

7. Repealed.

D. Brief Intervention and Stabilization

1. If an assessment reveals that immediate stabilization services are required, the Level I CRC-SU shall provide behavioral health interventions and stabilization which may include the use of psychotropic medications.

2. Following behavioral health interventions and stabilization measures, the Level I CRC-SU shall assess the patient to determine if referral to community based behavioral health services is appropriate or a higher level of care is required.

E. Linking/Referral Services

1. If an assessment reveals a need for emergency or continuing care for a patient, the Level I CRC-SU shall make arrangements to place the patient into the appropriate higher level of care. Patients in a Level I CRC-SU shall be transitioned out of the Level I CRC-SU within 24 hours unless there is documented evidence of the CRC-SU's measures taken to transfer the patient to the higher level of needed care and the reasons the transfer of the patient exceeds 24 hours.

2. If the assessment reveals no need for a higher level of care, the Level I CRC-SU shall provide:

a. referrals, and make appointments where possible, to appropriate community-based behavioral health services for individuals with developmental disabilities, addiction disorders, and mental health issues; and

b. brief behavioral health interventions to stabilize the crises until referrals to appropriate community-based behavioral health services are established or contact is made with the individual's existing provider and a referral is made back to the existing provider in the form of a follow-up appointment or other contact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:515 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9619. Staffing Requirements

A. - B.2. ...

C. A Level I CRC-SU shall have the following staff on call at all times and available to be onsite at the CRC-SU within one hour and who meets the following criteria:

1. is a licensed mental health professional (LMHP) who has one year of documented crisis services and intervention experience; or

a. - c. Repealed.

C.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:516 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9621. Physical Environment

A. - C. ...

D. Interior finishes, lighting, and furnishings shall conform to applicable fire safety codes. Security and safety devices shall not be presented in a manner to attract or challenge tampering by patients.

E. Grab bars, if provided, shall meet the following specifications:

1. - 2. ...

3. shall be securely fastened with tamper-proof screw heads;

4. ...

5. if mounted adjacent to a wall, the space between the wall and the grab bar shall be filled completely to prevent a cord or string being tied around the grab bar and used for hanging.

F. Towel racks, closet and shower curtain rods are not permitted.

G. - M.2....

3. The doors on the bathroom/toilet rooms shall swing out or be double hinged.

M.4. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:516 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

Subchapter C. Level II Crisis Receiving Centers

§9631. General Provisions

A. A Level II CRC-SU is an intermediate level of care unit that provides for:

1. - 5. ...

6. an appropriate referral and coordination of care for extended services as necessary.

B. - E. ...

F. The licensed capacity in a Level II CRC-SU shall not be licensed as hospital beds and shall not be counted in the aggregate number of licensed hospital beds.

G. - K.1. ...

L. The Level II CRC-SU shall develop and implement policies and procedures for instituting an increased level of supervision for patients at risk for suicide and other self-injurious behaviors.

M. - M.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:517 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9633. Level II Services

A. In addition to the services required in §9617 of this Chapter, the Level II CRC-SU shall provide the following services.

1. - 3.c. ...

4. The Level II CRC-SU shall conduct a psychosocial assessment on each patient within 24 hours of admission. This assessment shall be conducted by a licensed LMHP who has one year of documented crisis services and intervention experience.

a. - a.iii. Repealed.

5. - 5.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:518 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9635. Staffing Requirements

A. - A.1. ...

2. The Level II CRC-SU shall have sufficient numbers and types of qualified staff on duty and available at all times to provide necessary care, services, treatment and safety, based on the acuity of the patients, the mix of the patients present in the CRC-SU, the need for extraordinary levels of care and to meet the needs of the patient throughout the length of any patient stay in the CRC-SU.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:518 (March 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

§9637. Physical Environment

A. - F. ...

G. Bathrooms

1. The Level II CRC-SU shall have a minimum of two bathrooms that contain all of the following:

a. - c.i. ...

2. If the Level II CRC-SU has more than a capacity for 12 patients, there shall be one additional bathroom for each additional capacity for four patients.

3. - 4. ...

H. The Level II CRC-SU shall have a separate bathroom and a break room designated for staff use.

I. Separate and apart from the seclusion room required in a Level I CRC-SU, the Level II CRC-SU shall have a minimum of one seclusion room for each capacity for 12 patients.

1. - 2. ...

J. The Level II CRC-SU shall have separate consultation room(s) with a minimum floor space of 100 square feet each, provided at a room-to-bed ratio of one consultation room for each capacity for 12 patients. Consultation rooms within the unit shall be available for use for interviews with the patient and/or their families. The consultation room(s) shall be designed for acoustical and visual privacy.

K. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:518 (March 2010) amended by the Department of Health, Bureau of Health Services Financing, LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive effect on the stability of the family functioning and autonomy as described in R.S. 49:972 by ensuring that recipients in need of psychiatric crisis treatment have increased access to appropriate services without delay and ensuring the safe and effective operation of hospital crisis receiving center specialty units.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive effect on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by ensuring that recipients in need of psychiatric crisis treatment have increased access to appropriate services.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on March 1, 2019.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629, fax to (225) 342-5568, or email to LDHRulemaking@la.gov; however, such request must be received no later than 4:30 p.m. on February 9, 2019.

If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2019 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Stanley Bordelon at (225) 219-3454 after February 9, 2019. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In

the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Crisis Receiving Centers
Licensing Standards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19 as these services are not currently covered by Medicaid. It is anticipated that \$2,160 will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 18-19 as these services are not currently covered by Medicaid. It is anticipated that \$2,160 will be expended in FY 18-19 for the state's administrative expense for promulgation of this proposed rule and the final rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This proposed Rule amends the provisions governing the licensing of hospital crisis receiving centers in order to adopt provisions to allow free-standing psychiatric hospitals which do not have dedicated emergency departments (EDs) to designate crisis receiving center-specialty units (CRC-SUs) as EDs for patients in need of psychiatric crisis treatment, if the CRC-SU meets all of the same regulations as a hospital ED. Implementation of this proposed Rule will expand access to care for patients in need of crisis mental health services by allowing them to be assessed at a psychiatric hospital without delay, rather than being treated at a traditional hospital emergency department. It is anticipated that the implementation of this proposed rule will not result in economic costs to crisis receiving centers for FY 18-19, FY 19-20 and FY 20-21, but will be beneficial providing accurate, clearly identified licensing standards for psychiatric hospitals to provide crisis receiving services as a specialty unit/ED.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule has no known effect on competition and employment.

Cecile Castello
Medicaid Director
1901#056

Evan Brasseaux
Staff Director
Louisiana Fiscal Office

NOTICE OF INTENT

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

Pharmacy Benefits Management Program
Pharmacy Ingredient Cost Reimbursement
(LAC 50:XXIX.105 and Chapter 9)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXIX.105 and Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement in the Pharmacy Benefits Management Program in order to change the pharmacy ingredient cost reimbursement methodology from average acquisition cost to the national average drug acquisition cost.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 1. General Provisions

§105. Medicaid Pharmacy Benefits Management System Point of Sale—Prospective Drug Utilization Program

A. - B. ...

C. Covered Drug List. The list of covered drugs is managed through multiple mechanisms. Drugs in which the manufacturer entered into the Medicaid Drug Rebate Program with CMS are included in the list of covered drugs. National average drug acquisition cost (NADAC) and usual and customary charges assist in managing costs on the covered drug list. Establishment of co-payments also provides for management.

D. Reimbursement Management. The cost of pharmaceutical care is managed through NADAC of the ingredient or through wholesale acquisition cost (WAC) when no NADAC is assigned and the establishment of the professional dispensing fee, drug rebates and copayments. Usual and customary charges are compared to other reimbursement methodologies and the "lesser of" is reimbursed.

E. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), LR 45:

Chapter 9. Methods of Payment

Subchapter A. General Provisions

§901. Definitions

Average Acquisition Cost (AAC)—Repealed.

National Average Drug Acquisition Cost (NADAC)—a national pricing benchmark that is reflective of actual invoice costs that pharmacies pay to acquire prescription and over-the-counter drugs. It is based upon invoice cost data collected from retail community pharmacies and reflects actual drug purchases.

* * *

Usual and Customary Charge—the lowest price the pharmacy would charge to a particular customer if such customer were paying cash for the identical prescription drug or prescription drug services on the date dispensed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1061 (June 2006), amended LR 34:87 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1558 (July 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), LR 43:1554 (August 2017), LR 45:

Subchapter C. Estimated Acquisition Cost

§935. Estimated Acquisition Cost Formula

A. Estimated acquisition cost (EAC) is the national average drug acquisition cost (NADAC) of the drug dispensed. If there is not a NADAC available, the EAC is equal to the wholesale acquisition cost, as reported in the drug pricing compendia utilized by the department's fiscal intermediary/pharmacy benefits manager (PBM).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1064 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), LR 45:

Subchapter D. Maximum Allowable Costs

§945. Reimbursement Methodology

A. - A.1. ...

B. Payment will be made for medications in accordance with the payment procedures for any fee-for-service (FFS) Medicaid eligible person.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1064 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1184 (June 2017), LR 45:

§949. Fee for Service Cost Limits

A. Brand Drugs. The department shall make payments for single source drugs (brand drugs) based on the lower of:

1. national average drug acquisition cost (NADAC) plus the professional dispensing fee:

a. if no NADAC is available, use the wholesale acquisition cost (WAC) plus the professional dispensing fee; or

2. - 2.a. ...

B. Generic Drugs. The department shall make payments for multiple source drugs (generic drugs), other than drugs subject to "physician certifications", based on the lower of:

1. NADAC plus the professional dispensing fee:

a. if no NADAC is available, use the WAC plus the professional dispensing fee; or

2. the provider's usual and customary charges to the general public not to exceed the department's "maximum payment allowed."

a. For purposes of these provisions, the term general public does not include any person whose prescriptions are paid by third-party payors, including health insurers, governmental entities and Louisiana Medicaid.

3. - 3.a. Repealed.

C. Physician Certifications

1. Limits on payments for multiple source drugs shall not be applicable when the prescriber certifies in his own handwriting that a specified brand name drug is medically necessary for the care and treatment of a recipient. Such certification may be written directly on the prescription or on a separate sheet which is dated and attached to the prescription. A standard phrase in the prescriber's handwriting, such as "brand necessary" will be acceptable.

a. - b. Repealed.

2. Any practice which precludes the prescriber's handwritten statement shall not be accepted as a valid certification. Such practices include, but are not limited to:

a. a printed box on the prescription blank that could be checked by the prescriber to indicate brand necessity;

b. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank; and

c. preprinted prescription forms using a facsimile of the prescriber's handwritten statement.

3. - 3.c. Repealed.

D. Fee-for-Service 340B Purchased Drugs. The department shall make payments for self-administered drugs that are purchased by a covered entity through the 340B program at the actual acquisition cost which can be no more than the 340B ceiling price plus the professional dispensing fee, unless the covered entity has implemented the Medicaid carve-out option, in which case 340B drugs should not be billed to or reimbursed by Medicaid. 340B contract pharmacies are not permitted to bill 340B stock to Medicaid. Fee-for-service outpatient hospital claims for 340B drugs shall use a cost to charge methodology on the interim and settled at cost during final settlement. Federally qualified health center (FQHC) and rural health clinic (RHC) claims for physician-administered drugs shall be included in the all-inclusive T1015 encounter rate.

1. - 2.c. Repealed.

E. Federal Supply Schedule Drugs. Drugs acquired at federal supply schedule (FSS) and at nominal price shall be reimbursed at actual acquisition cost plus a professional dispensing fee.

F. Indian Health Service All-Inclusive Encounter Rate. Pharmacy services provided by the Indian Health Service (IHS) shall be included in the encounter rate. No individual pharmacy claims shall be reimbursed to IHS providers.

G. Mail Order, Long-Term Care and Specialty Pharmacy. Drugs dispensed by mail order, long-term care and/or specialty pharmacies (drugs not distributed by a retail

community pharmacy) will be reimbursed using the brand/generic drug reimbursement methodology.

H. Physician-Administered Drugs. Medicaid-covered physician-administered drugs shall be reimbursed according to the Louisiana professional services fee schedule. Reimbursement shall be determined utilizing the following methodology, and periodic updates to the rates shall be made in accordance with the approved Louisiana Medicaid State Plan provisions governing physician-administered drugs in a physician office setting.

1. Reimbursement for Medicaid-covered physician-administered drugs in a physician office setting shall be established at the current Louisiana Medicare rate, which is average sales price (ASP) plus 6 percent, for drugs appearing on the Medicare file.

2. Reimbursement rates for physician-administered drugs in a physician office setting that do not appear on the Medicare file shall be determined utilizing the following alternative methods:

a. the wholesale acquisition cost (WAC) of the drug, if available;

b. If the drug has no WAC available, one of the following methods shall be used:

i. the provider's actual cost of the drug as documented by invoice or other acceptable documentation as deemed appropriate by the department;

ii. Medicaid rate of other states;

iii. commercial payer rate; or

iv. medical consultant recommendation.

I. Clotting Factor. Pharmacy claims for clotting factor will be reimbursed using the brand/generic drug reimbursement methodology.

1. - 2.b.iv. Repealed.

J. Investigational or Experimental Drugs. Investigational or experimental drugs shall not be reimbursed by Medicaid.

K. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1065 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1185 (June 2017), LR 43:1554 (August 2017), LR 44:1020 (June 2018), LR 45:

Subchapter E. 340B Program

§961. Definitions

* * *

Estimated Acquisition Cost (EAC)—the national average drug acquisition cost (NADAC) of the drug dispensed. If there is not a NADAC available, the EAC is equal to the wholesale acquisition cost, as reported in the drug pricing compendia utilized by the department's fiscal intermediary.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1066 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1186 (June 2017), LR 43:1555 (August 2017), LR 45:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the same services they already render.

Public Comments

Interested persons may submit written comments about the proposed Rule to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on March 1, 2019.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629, fax to (225) 342-5568, or email to LDHRulemaking@la.gov; however, such request must be received no later than 4:30 p.m. on February 9, 2019. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on February 28, 2019 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Stanley Bordelon at (225) 219-3454 after February 9, 2019. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage

may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pharmacy Benefits Management
Program—Pharmacy Ingredient Cost Reimbursement**

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

It is anticipated that implementation of this proposed rule will result in estimated state general fund net programmatic costs of approximately \$88,521 for FY 18-19 due to the May 2019 implementation of the provisions, \$1,109,380 for FY 19-20 and \$1,132,016 for FY 20-21. The required state general fund match will be offset by the anticipated revenue collections from the Medicaid Assistance Trust Fund premium taxes in the amount of approximately \$21,500 in FY 18-19, \$270,000 in FY 19-20, \$270,000 in FY 20-21. It is anticipated that \$1,296 (\$648 SGF and \$648 FED) will be expended in FY 18-19 for the state’s administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21 for the projected non-expansion population, and an FMAP rate of 93.5 percent in FY 18-19, 91.5 percent in FY 19-20 and 90.0 percent in FY 20-21 for the projected expansion population.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$258,858 for FY 18-19, \$3,267,620 for FY 19-20 and \$3,244,984 for FY 20-21. The proposed rule will also increase revenue collections by approximately \$21,500 in FY 18-19, \$270,000 in FY 19-20, \$270,000 in FY 20-21 from the Medicaid Assistance Trust Fund premium taxes. It is anticipated that \$648 will be expended in FY 18-19 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 64.67 percent in FY 18-19 and 65.79 percent in FY 19-20 and FY 20-21 for the projected non-expansion population, and an FMAP rate of 93.5 percent in FY 18-19, 91.5 percent in FY 19-20 and 90.0 percent in FY 20-21 for the projected expansion population.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This proposed rule amends the provisions governing reimbursement in the Pharmacy Benefits Management Program in order to change the pharmacy ingredient cost reimbursement methodology from average acquisition cost to the national average drug acquisition cost (NADAC). The proposed rule will increase payments to pharmacy providers. It is anticipated that implementation of this proposed rule will result in an increase in programmatic expenditures in the pharmacy program by approximately \$346,083 for FY 18-19, \$4,377,000 for FY 19-20 and \$4,377,000 for FY 20-21 which will be paid for by an increase in drug rebate revenues from the implementation of a single preferred drug list for fee-for-service and managed care that allows the state to capture supplemental rebates on MCO pharmacy claims.

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

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1901#057

Evan Brasseaux
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Regulation 100—Coverage of Prescription Drugs
through a Drug Formulary (LAC 37:XIII.Chapter 41)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 100 to provide clarification in regards to the requirement of obtaining approval from the commissioner whenever a health insurance issuer implements a modification affecting drug coverage in accordance with Act No. 316 in the 2012 Regular Session.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 41. Regulation 100—Coverage of
Prescription Drugs through a Drug
Formulary**

§14101. Purpose

A.

B. The purpose of the amendment to Regulation 100 is to provide clarification set forth in R.S. 22:1068(F) and R.S. 22:1074(F) in regards to the requirement of obtaining approval from the commissioner whenever a health insurance issuer modifies health insurance coverage offered in the group and individual markets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 1068(F) and R.S. 22:1074 (F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

**§14111. Requirements for the Modification Affecting
Drug Coverage**

A. - A5. ...

B. A health insurance issuer shall notify the commissioner in writing of a modification affecting drug coverage 120 days prior to the renewal date of the policy form as to those modifications enumerated in R.S. 22:1061(5) and set forth in § 14111.A herein. A health insurance issuer shall provide the notice of modification affecting drug coverage as provided for in R.S. 22:1068(D)(3) and R.S. 22:1074(D)(3) and shall only modify the policy or contract of insurance at the renewal of the policy or contract of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14115. Requirements for Modifying a Group Insurance Product

A. Pursuant to R.S. 22:1068, a health insurance issuer may modify its drug coverage offered to a group health plan if each of the following conditions is met.

1. The modification occurs at the time of coverage renewal.
2. The modification is approved by the commissioner. However, modification affecting drug coverage as defined in R.S. 22:1061(5)(y) and found in §14111.A. of this regulation shall not require approval by the commissioner.
3. The modification is consistent with state law.
4. The modification is effective on a uniform basis among all small or large employers covered by that group health plan.
5. The health insurance issuer, on the form approved by the Department of Insurance, notifies the small or large employer group and each enrollee therein of the modification no later than the sixtieth day before the date the modification is to become effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14117. Requirements for Modifying an Individual Insurance Product

A. Pursuant to R.S. 22:1074, a health insurance issuer may modify its drug coverage offered to individuals if each of the following conditions is met.

1. The modification occurs at the time of coverage renewal.
2. The modification is approved by the commissioner. However, modification affecting drug coverage as defined in R.S. 22:1061(5)(y) and found in §14111.A. of this regulation shall not require approval by the commissioner.
3. The modification is consistent with state law.
4. The modification is effective on a uniform basis among all individuals with that policy form.
5. The health insurance issuer, on a form approved by the Department of Insurance, notifies each affected individual of the modification no later than the sixtieth day before the date the modification is to become effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 45:

§14119. Modification Affecting Drug Coverage

A. To facilitate the ability of the commissioner to comply with his statutory duty, the commissioner shall have the authority to enter into a contract with any person or entity he deems applicable, relevant and/or appropriate to provide advice and/or make a recommendation to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended 45:

§141120. Effective Date

A. This regulation shall be effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1068(F) and R.S. 22:1074(F).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.
2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.
3. Describe the effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.
4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.
5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.
6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.
2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.
3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.
4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.
5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level Of Service. The proposed amended regulation will have no effect.
2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The Proposed Amended Regulation Will Have No Effect.
3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments must be received no later than February 19, 2019 by close of business or by 4:30 p.m. and should be addressed to Claire Lemoine, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, faxed to (225) 342-1632. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North Third Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 100—Coverage of Prescription Drugs through a Drug Formulary

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

The proposed rule change will not result in additional costs or savings for state or local governmental units. The purpose of the proposed rule change is to provide clarification regarding the removal of the requirement for health insurers to obtain approval from the Commissioner of Insurance when implementing modifications to health insurance plans affecting drug coverage, in accordance with Act No. 316 of the 2012 Regular Session.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

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

The proposed rule change will not result in any costs and/or economic benefits to health insurers. The purpose of this amendment is to align the administrative rules with Act 316 of the 2012 Regular Session, regarding the coverage of prescription drugs through a drug formulary. Act 316 removes the requirement of health insurers to obtain approval from the Commissioner when implementing modifications to health insurance plans affecting drug coverage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Nicholas Lorusso
Chief Deputy Commissioner
1901#039

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Alternate Source Wells (LAC 43:XIX.Chapter 8)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment is to condense rules and

procedures from several departments and locations to provide a single location for a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 8. Alternative Source Well Requirements

§801. Purpose

A. The purpose of this Chapter is to provide a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§803. Applicability

A. The procedural requirements herein are intended for alternative source wells installed to produce water from water-bearing strata other than ground water aquifers, underground sources of drinking water (USDW's), or at depths or locations within ground water aquifers containing water greater than 10,000 mg/l TDS. Specific procedures are provided for the installation of alternative source wells with well screens installed in strata that is hydraulically connected and in communication with a ground water aquifer or USDW, and for installations not hydraulically connected and in communication with a ground water aquifer or USDW. All other water wells installed to produce water from ground water aquifers or USDW's must comply with the notification, construction and registration requirements of LAC 43:VI.Subpart 1.Chapter 1 and LAC 56:Part I, as applicable. In the event a well is permitted and installed pursuant to this Chapter and, after well completion, analytical results of water withdrawn from the well are below 10,000 mg/l TDS, the requirements of this Chapter shall remain in effect throughout the life of the well. Nothing in this Chapter shall supersede, eliminate or alter operator responsibilities to comply with applicable Louisiana Mineral Code and/or other applicable requirements of LAC 43:XIX.Subpart 1 (Statewide Order No. 29-B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§805. Definitions

A. Glossary of Terms

Agent—the commissioner, the director of the engineering division, any of the district managers, or any other designee.

Alternative Source Well (ASW)—a well that produces water from a water-bearing stratum other than a ground water aquifer, underground source of drinking water (USDW's), or at a depth or location within a ground water aquifer containing water greater than 10,000 mg/l TDS.

a. *ASW-Type A*—an alternative source well with a well screen installed in stratum that is not hydraulically connected and not in communication with a ground water aquifer or USDW.

b. *ASW-Type B*—an alternative source well with a well screen installed in stratum that is below the base of the USDW but is hydraulically connected and in communication with a ground water aquifer or USDW, or at a depth or location within a ground water aquifer containing water greater than 10,000 mg/l TDS.

Aquifer—for purposes of this Chapter, a ground water bearing stratum of permeable rock, sand, or gravel.

Department—the Department of Natural Resources, Office of Conservation of the state of Louisiana

District Manager—the head of any one of the districts of the state under the Office of Conservation, Engineering Division, and as used, refers specifically to the manager within whose district the well or wells are located.

Ground Water—for purposes of this Chapter, water suitable for any beneficial purpose percolating below the earth's surface which contains less than 10,000 mg/l total dissolved solids.

LAC—Louisiana Administrative Code.

Mg/l—milligrams per liter.

TDS—total dissolved solids.

Rework or Reworking—rehabilitation or modification of an alternative source well to increase its efficiency, restore its capacity, and/or improve its water quality. Methods of reworking alternative source wells include, but are not limited to removing and replacing the screen, regravelling the screen, placing a new screen within the old screen, placing a liner pipe within the old casing or redeveloping a well by surging, acidizing, jetting, etc.

Underground Source(s) of Drinking Water (USDW or USDW's)—water which contains a sufficient quantity of ground water to supply a public water system, currently supplies drinking water for human consumption or contains fewer than 10,000 mg/l total dissolved solids.

Water Well—any well drilled or constructed for the principal purpose of producing ground water.

Water Well Contractor—a licensed contractor who drills all ground water wells, test and pilot holes, monitoring well, observation wells, heat pump wells and holes, and geotechnical boreholes, and/or plugging and abandoning wells or holes, excluding oil and gas wells.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§807. General Requirements

A. All ASW's shall be permitted, constructed, maintained and plugged and abandoned in accordance with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§809. Application to Drill

A. The drilling permit application requirements included in this section shall apply to all Type A and B ASW's.

B. All applications for permits to drill alternative source wells shall be made on Form MD-10-R or revisions thereof, and mailed or delivered to the district office with one copy

mailed or delivered to the department's Environmental Division. These applications, in duplicate, shall be accompanied by three copies of the location plat, preferably drawn to a scale of 1000 feet to the inch. The plats shall definitely show the amount and location of the acreage with reference to quarter-section corners, or other established survey points. There shall also be shown all pertinent lease and property lines, leases, offset wells, and the location and distance from the well to the nearest shoulder of any interstate highway within the boundaries of the plat. Plats must have well locations certifications either written on or attached to the well location plats and this certification must be signed by a registered civil engineer, qualified surveyor or a qualified engineer regularly employed by the applicant. If possible the application card shall give the name and address of the drilling contractor, otherwise the information, as soon as determined, shall be supplied by letter to the district manager.

1. Applicants that receive a drilling permit for an alternative source well located within 1,000 feet of an interstate highway shall furnish a copy of the approved drilling permit and the certified location plat to the appropriate state and local authorities, including all emergency responders.

C. No alternative source well shall be drilled, nor shall the drilling of such well be commenced, before a permit for such well has been issued by the Office of Conservation; furthermore, any work, such as digging pits, erecting buildings, derricks, etc., which the operator may do or have done, will be done at his own risk and with the full understanding that the Office of Conservation may find it necessary to change the location or deny the permit because of the rules and regulations applying in that instance.

D. No alternative source well shall commence drilling below the surface casing until a sign has been posted on the derrick, and subsequently on the well, showing the operator of record of the well, name of lease, section, township, range, and the serial number under which the permit was issued. The obligation to maintain a legible sign remains until abandonment.

E. In order to make the designation of the well, as referred to above, more uniform throughout the state, and thus to facilitate the handling of all matters relative to any particular well, wells shall be named in accordance with LAC 43:XIX.103.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§811. ASW-Type B Notification Requirements

A. In addition to the drilling permit application requirements of LAC 43:XIX.809 above, Type B ASW operators must comply with the following notification requirements.

1. Operators proposing to install Type B ASW's must provide to the department's Environmental Division at least 90 days prior to well installation scientifically sound and objective information from a Louisiana licensed professional engineer or geologist certifying and definitively demonstrating that proposed water production from such wells will only yield water containing greater than 10,000 mg/l TDS.

2. In the absence of satisfactory information verifying compliance with LAC 43:XIX.811.A above, prior to, or after installation and/or operation of a Type B ASW, the Type B ASW operator shall provide to the department's Environmental Division a properly completed Water Well Notification Form (Form GWR-01) at least 60 days prior to well installation if not already installed, otherwise as required by the Department, for review and imposition of any restrictions or other action deemed necessary by the Department pursuant to LAC 43:VI.705 and LAC 43:VI.707.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§813. All Other Applications

A. All applications for permits to rework, repair (except ordinary maintenance operations), abandon (plug and abandon), acidize, deepen, perforate, perforate and squeeze, plug (plug back), plug and perforate, plug back and side-track, plug and squeeze, pull casing, side-track, squeeze, squeeze and perforate, workover, cement casing or liner as workover feature, or when a well is to be killed or directionally drilled, shall be made to the district office on Form DM-4R, as revised or replaced, and a proper permit shall be received from the district manager before work is started. Upon permit approval and prior to performing any permitted work activities, the well operator shall provide written notification of the permitted activity to the department's Environmental Division. A description of the work done under the above cited work permits shall be furnished on the reverse side of the Well History and Work Resume Report (Form WH), which form shall be filed with the department's district office in which the well is located within 20 days after the permitted work activity is completed. At least 12 hours prior notice of the proposed operations shall be given the district manager and/or an offset operator in order that one of them may witness the work. If the district manager fails to appear within 12 hours, the work may be witnessed by the offset operator, but failing in this, the work need not be held up longer than 12 hours. This Rule shall not deter an operator from taking immediate action in an emergency to prevent damage.

B. When a service company, other than the drilling contractor, cements, perforates or acidizes, either before or after completion of an alternative source well, the service company shall furnish the district manager with legible exact copies of reports furnished the owner of the well.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§815. Financial Security

A. Unless otherwise provided by the statutes, rules and regulations of the Office of Conservation, financial security shall be required by the operator of record (operator) of an alternative source well pursuant to LAC 43:XIX.104.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§817. Records

A. Electrical logs, when run, shall be submitted in an electronic format to the Office of Conservation in accordance with LAC 43:XIX.107.

B. At the request of the commissioner or his agent, the district office shall be supplied with available field maps showing lease lines and well locations for all producing areas within the district pursuant to LAC 43:XIX.107.A.

C. A properly completed Well History and Work Resume Report (Form WH) shall be timely filed with the district office in which the alternative source well is located within 20 days after completion of the well. This report shall be filed on forms furnished by the Department or on like forms as reproduced by the operator. Upon filing of Form WH, the well operator shall provide written notification to the department's Environmental Division to inform of well completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§819. Construction, Operation and Maintenance

A. All alternative source wells shall be constructed, operated and maintained in a safe and environmentally protective manner at all times in accordance with the casing requirements of LAC 43:XIX.109, diverter systems and blowout preventer requirements of LAC 43:XIX.111, casing head requirements of LAC 43:XIX.113, and at the discretion of the district manager.

B. Each alternative source well operator shall so conduct his operations and maintain his equipment as to reduce to a minimum the danger of explosion or fire and consequent waste, and implement all applicable requirements of LAC 43:XIX.115.

C. The inspectors and engineers of the Office of Conservation shall have access to the mud records of any drilling well, except those records which pertain to special muds and special work with respect to patentable rights, and shall be allowed to conduct any essential test or tests on the mud used in the drilling of a well. When the conditions and tests indicate a need for a change in the mud or drilling fluid program in order to insure proper control of the well, the district manager shall require the operator or company to use due diligence in correcting any objectionable conditions.

D. The district manager shall be notified immediately by the new operator whenever a change of operator occurs. This must be accomplished by submitting Office of Conservation Form MD-10-RA (application for amended permit to drill for minerals) to reflect the new operator. Upon filing of Form MD-10-RA, the well operator shall provide written notification to the department's Environmental Division to inform of the change of operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§821. Plugging and Abandonment

A. Plugging and abandonment of all alternative source wells shall be conducted in a safe and environmentally protective manner in accordance with the applicable

plugging and abandonment requirements of LAC 43:XIX.137 and at the discretion of the district manager.

B. The responsibility of plugging any well over which the commissioner of conservation has jurisdiction shall be the owner(s) of record.

1. In the event any owner(s) responsible for plugging any well fails to do so, and after a diligent effort has been made by the department to have said well plugged, the commissioner may call a public hearing to show cause why said well was not plugged.

2. The commissioner or his agent may require the posting of a reasonable bond with good and sufficient surety in order to secure the performance of the work of proper abandonment.

3. The district manager shall be notified immediately by the new operator whenever a change of operator occurs. This must be accomplished by submitting Office of Conservation Form MD-10-RA (application for amended permit to drill for minerals) to reflect the new operator. Upon filing of Form MD-10-RA, the well operator shall provide written notification to the department's Environmental Division to inform of the change of operator.

C. Plugging Procedures

1. Notification of intention to plug any well or wells over which the commissioner of conservation has jurisdiction, shall be given to the appropriate district manager prior to the plugging thereof. Notification shall be made in writing to the district office in the form of a work permit (Form DM-4 Rev.) for which an original and three copies are required. Where plugging involves a well with a rig on location, the district manager may grant verbal approval to plug and abandon the well provided the work permit is subsequently submitted. Any operator who fails to comply with this requirement may be required by the district manager to place additional cement plug(s) and/or prove the plug(s) are placed as the operator states they are.

2. Once an operator has been issued a work permit to plug and abandon a well by the appropriate district manager, then said operator shall be required to contact the appropriate inspector a minimum of 12 hours prior to beginning the plugging operations. During drilling and/or workover operations, the requirement to contact the appropriate inspector a minimum of 12 hours prior to beginning the plugging operations shall be waived at the time verbal notification is made to the district office.

3. In plugging wells, it is essential that all oil or gas and ground water bearing formations be protected pursuant to LAC 43:XIX.137.F.3.

4. Upon plugging any well for any cause, a complete record thereof shall be made out, duly verified and filed in triplicate on Form P&A and Form WH-1 in the district office within 20 days after the plugging of such well. A cementing report shall be filed with the plugging report. Upon filing of Form P&A, the well operator shall provide written notification to the department's Environmental Division to inform of completion of well plugging and abandonment.

D. Well to be Used for Fresh Water. When the well to be plugged may be safely used as a fresh-water well and the owner or owners of the well have, by a mutual written agreement with the landowner, agreed to turn the well over

to the landowner for that purpose, then the well need not be filled above the plug set below the fresh-water formation; provided, however, that the signed agreement or (if recorded in the public records) a certified copy thereof be filed with the appropriate district manager, which shall relieve the owner or owners who turn the well over to the landowner from responsibility above the plug. The plugging report shall indicate that the well has been or will be converted to a fresh water well. The well operator shall provide written notification of intent to use the well for production of fresh water in accordance with the Ground Water Management requirements of LAC 43:VI.Subpart 1 and maintain compliance with the same.

E. Temporary Abandonment of Drilling Wells. Any drilling well which is to be temporarily abandoned and the rig moved away, shall be mudded and cemented as it would be for permanent abandonment, except a cement plug at the surface may be omitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§823. Exceptions and Hearings

A. If any operator can show to the commissioner that the drilling and producing methods herein prescribed or the particular method by him prescribed for securing tests of wells, or any other part of this order, as applies to his well or wells, result in waste or as to such operator are unreasonable, the commissioner may enter such an order, as a special exception to the aforesaid rules and regulations, as will prevent such waste or eliminate such unreasonable restraint, as may result from the application of the aforesaid rules and regulations to the well or wells of such operators; provided, however, that before any operator shall be allowed the benefit of an order granting an exception as authorized by this Section, such operator must establish that such exception, if granted, will not result in waste in the field as a whole or give him an inequitable and unfair advantage over another operator or other operators in the field. No special exception will be granted except upon written application, fully stating the alleged facts, which shall be the subject of a hearing to be held not earlier than 10 days after filing of the application. Prior to the hearing upon such application, at least 10 days notice thereof shall be given by publication to all operators in the field. In addition to said notice by publication, adjacent operators where appropriate may be given at least 10 days notice of said hearing by personal service, or by registered mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§825. Application of Special Field Orders

A. This order shall be cumulative of, and in addition to, all special orders, rules and regulations affecting the drilling and production of alternative source wells, as heretofore promulgated. In case of any conflict between this order and the special orders on specific fields, said special orders on specific fields shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§827. Drilling Alternative Source Wells

A. The possession of a Louisiana Water Well Contractor’s License is not required for the installation of alternative source wells. Drillers of alternative source wells shall have the professional knowledge and expertise to successfully complete all aspects of installation of alternative source wells in a safe and environmentally protective manner in accordance with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

§829. Reporting Volumes of Source Water Produced

A. All volumes of water produced from an alternative source well being used for hydraulic fracture stimulation purposes shall be recorded on Form WH-1 Supplemental Page 3 in accordance with LAC 43:XIX.118.

B. The alternative source well shall be identified by the serial number and recorded on Form WH-1 Supplemental Page 3 under “OTHER WATER SOURCE.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 45:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., February 10, 2019, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 830, Baton Rouge, LA 70802. Reference Docket No. R A 2019-01. All inquiries should be directed to Gary Snellgrove at the above addresses or by phone to (225) 342-7222. No preamble was prepared.

Gary P. Ross
Assistant Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Alternate Source Wells

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

The proposed rule changes are not anticipated to have a direct material effect on state or local governmental

expenditures. The proposed rule changes consolidate and condense the rules and procedures from several Office of Conservation (OC) departments that are found in different locations into a single location for a comprehensive compilation of procedural requirements for permitting, construction, operation, maintenance, plugging, and abandonment of alternative source wells installed for production of subsurface water containing greater than 10,000 mg/l total dissolved solids (TDS).

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

The proposed rule change will have no effect on revenue collections of state or local government units.

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

There are no anticipated costs to directly affected persons or non-governmental groups. It will provide drillers of wells producing water containing more than 10,000 mg/l total dissolved solids with one comprehensive and succinct set of procedures. The proposed rule changes may reduce the time needed to contact various agency staff to gather together all applicable requirements for permitting, operating and plugging these types of wells.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any impact on competition or employment.

Gary Ross
Assistant Commissioner
1901#070

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Special Agents (LAC 22:I.323)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §323, Special Agents.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§323. Special Agents

A. Purpose—to state the procedures governing special agent appointments and the duties of special agents.

B. Applicability—deputy secretary, assistant secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises and those employees authorized as special agents. Each unit head shall ensure that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary’s policy that special agents may be appointed at the secretary’s discretion and these special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I

and these special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers.

D. Definition

Employee—any person employed full-time, part-time, or on temporary appointment by the department.

E. Procedures

1. Criteria

a. Special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I, pursuant to R.S. 15:825.2.

2. Authority to appoint

a. The secretary shall be authorized at his discretion to appoint special agents, pursuant to R.S. 15:825.2.

3. Applications

a. Employees at State Prisons, Headquarters, and Prison Enterprises

i. The warden, undersecretary, or director of prison enterprises wishing to have an employee (at a state prison, headquarters, or prison enterprises, respectively) appointed as a special agent shall submit an application to the chief of operations. The application shall include the following:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire (form A-02-023-A) completed by the applicant;

(d). a precise statement regarding the applicant's need to carry a weapon and the circumstances in which the applicant will be authorized to carry a weapon; and

(e). certification by the warden, undersecretary, or director of prison enterprises certifying the applicant has been trained to use the weapon he will carry and has achieved the necessary qualifying score on the firing range.

b. Employees at Probation and Parole

i. Probation and parole district managers wishing to have an employee (at a probation and parole district office) appointed as a special agent or probation and parole employees at headquarters wishing to be appointed as a special agent shall submit an application to the director of probation and parole. The application shall include the following:

(a). The applicant's name and social security number;

(b). A current rap sheet for the applicant;

(c). A domestic violence questionnaire (form A-02-023-A) completed by the applicant; and

(d). certification by the district manager (for employees at a probation and parole district office) or the director of probation and parole (for an employee at HQ P and P) that the applicant has successfully completed all training as required by probation and parole's firearm training policy.

c. Employees at Private Prisons

i. Wardens of private prisons wishing to have an employee appointed as a special agent shall submit an application to the chief of operations. The application shall include:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire (form A-02-023-A) completed by the applicant;

(d). a precise statement regarding the applicant's need to carry a weapon and the circumstances in which the applicant will be authorized to carry a weapon; and

(e). certification by the warden certifying the applicant has been trained to use the weapon he will carry and has achieved the necessary qualifying score on the firing range.

d. The chief of operations or the director of probation and parole shall review every application received and either:

i. recommend the applicant be appointed as a special agent and submit to the secretary for review, or

ii. decline to recommend the applicant to be appointed as a special agent and send notification of declination to the individual who submitted the application.

e. The appointment of a special agent shall be at the discretion of the secretary.

4. Appointment as a Special Agent

a. Upon approval of an application and appointment of an applicant as a special agent, the secretary shall issue:

i. for employees at state prisons, headquarters, and prison enterprises, a commission card which serves as authority to carry a firearm and/or perform duties in accordance with R.S. 15:825.2; or

ii. for employees at probation and parole, a memorandum to the director of probation and parole certifying the employee is commissioned as a "special agent" as well as a commission card; or

iii. for employees at private prisons, a memorandum to the warden certifying the employee is commissioned as a "special agent" as well as a commission card.

iv. employees issued a commission card shall be required to carry the card at all times during the performance of his duties. The undersecretary, director of prison enterprises, or warden shall ensure that commission cards for employees appointed as special agents are kept current.

5. Duties of Special Agents

a. The duties of a special agent are to provide assistance to other law enforcement agencies to improve public safety. These duties include, but are not limited to:

i. execution of warrants;

ii. emergency aid and other assistance as requested;

iii. patrol duties; and

iv. detention and transportation of arrestees.

6. Carrying of Weapons

a. Special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers, pursuant to R.S. 15:825.2.

7. Equipping Special Agents

a. The unit head or designee shall be responsible for properly equipping special agents with adequate equipment for law enforcement duties as appropriate to the assignment, (i.e. bullet proof vests, service weapons, flash lights, etc.).

8. Employee Termination of a Special Agent

a. Upon an employee's termination, the commission card shall be surrendered to appropriate unit personnel.

9. Training

a. Special agents must be in compliance with the provisions of department regulation no. C-01-008 "Firearms Training" or division of probation and parole firearms training policy as applicable.

b. Special agents who participate in community policing activities must successfully complete training appropriate to their assignments as defined by institutional or division of probation and parole policy.

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

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:487 (December 1978), amended by the Department of Public Safety and Corrections, Corrections Services, LR 37:2184 (July 2011), LR 45:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on February 11, 2019.

James M. Le Blanc
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Special Agents**

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

The proposed rule changes will not have a fiscal impact on state or local governmental unit expenditures.

The proposed rule changes amend Section 323 (Special Agents) regarding procedures governing special agent appointments and the duties of the special agents

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

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

There is no estimated cost and/or economic benefit to directly affected persons or non-governmental groups as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III
Undersecretary
1901#033

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Computer System Requirement (LAC 42:III.3305)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.3305.G – Surveillance and Division Room Requirements. This proposed rule change amends the citation within subsection G to create uniformity with the new chapter of Part III of Title 42 of the Administrative Code, Chapter 28—Casino Computer Systems.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 33. Surveillance

§3305. Surveillance and Division Room Requirements

A. - F. ...

G. The division room shall be furnished with all necessary furniture and fixtures as specified by the division, be equipped with a security radio and house telephone, and shall house a dedicated computer which provides computer accessibility for division agents to review, monitor and record data with the same functionality and specifications as provided in §2825 of Chapter 28 of this Part.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1665 (July 2012), amended LR 45:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.

4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not expected to have a significant impact on small business.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than February 11, 2018.

Ronnie Jones
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Computer System Requirement**

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

The proposed rule change will not result in any costs or savings to state or local governmental units. This proposed rule change amends the citation to create uniformity with the new chapter of Part III of Title 42 of the Administrative Code, chapter 28 - Casino Computer Systems. Former section 4205 was repealed and repromulgated as section 2825 of chapter 28.

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

The proposed rule change will have no effect on revenue collections of state or local governmental units.

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

The proposed rule change will have no effect on costs or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Ronnie Jones
Chairman
1901#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

State Tax Clearance (LAC 42:III.2115 and 2325)

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 it intends to amend LAC 42:III.2115.B and LAC 42:III.2325.H. The proposed Rule change provides for enforcement action against applicants for a gaming employee permit for failure to provide only a state tax clearance. The Rule change will require that an applicant for a gaming employee permit provide only a state tax clearance and will remove the requirement of providing a tax clearance from the Internal Revenue Service.

Title 42

LOUISIANA GAMING

Part III. GAMING CONTROL BOARD

Chapter 21. Licenses and Permits

§2115. Tax Clearances Required of an Applicant for a Gaming Employee Permittee

A. ...

B. Failure to provide the state tax clearances required by Subsection A of this Section may constitute grounds for delaying consideration or for denial of the application.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1612 (July 2012), amended LR 45:

Chapter 23. Compliance, Inspections and Investigations

§2325. Administrative Actions and Penalty Schedule

A. - G. ...

H. Penalty Schedule

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
Louisiana Administrative Code, Title 42, Part III			
Chapter 21. Licenses and Permits			
* * *			
2115	State Tax Clearances Required of a Gaming Employee Permittee	\$250	24
* * *			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1620 (July 2012), amended LR 45:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family.
4. The effect on family earnings and family budget.
5. The effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on household income, assets, and financial security.
2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not expected to have a significant impact on small business.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule. It is accordingly concluded that the proposed Rule would appear to have no impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than February 11, 2018.

Ronnie Jones
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: State Tax Clearance**

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

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change codifies current practice to provide for enforcement action against gaming employee permit applicants for failure to provide a state tax clearance. The proposed rule change will require that an applicant for a gaming employee permit provide

- only a state tax clearance and will remove the requirement of providing a tax clearance from the Internal Revenue Service.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change will have no effect on revenue collections of state or local governmental units.
 - III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will have no effect on costs or economic benefits to directly affected persons or non-governmental units.
 - IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change will have no effect on competition and employment.

Ronnie Jones
Chairman
1901#062

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Accident Reports (LAC 55:I.Chapter 8)

In accordance with the provisions of R.S. 32:398(F) relative to the authority of the Office of State Police to promulgate and enforce rules, the Office of State Police hereby Proposes to adopt the following Rule regarding the establishment of costs for copies of accident reports.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 8. Accident Reports

§801. Costs of Accident Reports

A. Notice is hereby given that the Louisiana Department of Public Safety, pursuant to R.S. 32:398(F) as amended, has adopted the following fee scale for the sale of accident reports.

1. For a certified, paper copy or electronic copy of an accident report not exceeding two pages, the cost shall be \$1.50.

2. For a certified, paper copy of an accident report exceeding two pages, the cost shall be \$16.50.

3. For an electronic copy of an accident report exceeding two pages, the cost shall be \$11.50.

B. Accident reports are available for purchase online at www.lsp.org or at each local Troop office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:

§802. Third Party Convenience Fee

A. Notice is hereby given that pursuant to R.S. 49:316.1(A)(2), the following third party convenience fee(s) shall apply to the purchase of an accident report:

1. For the purchase of an accident report by credit cards and similar types, the third party convenience fee shall be \$2.50 + 2.5 percent.

2. For the purchase of an accident report by ACH payments and similar types, the third party convenience fee shall be \$2.50 + \$.100.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed rules. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Poverty Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Adrienne Aucoin, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through February 15, 2019.

Lt. Col. Jason Starnes
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Accident Reports

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

The proposed rule change will increase expenditures for the Louisiana State Police (LSP) by approximately \$2,500 for one-time upgrades to existing software and systems. The increased expenditures will be absorbed utilizing existing budget authority. The proposed rule change increases the fee for a paper copy of accident reports exceeding two pages from \$7.50 to \$16.50 (\$9.00 increase) and for an electronic copy of an accident report exceeding two pages from \$7.50 to \$11.50 (\$4.00 increase). To the extent that any local police departments or sheriff's offices elect to change their fee structure under the authority of Act 543 of the 2018 Regular Legislative Session, these local governmental units may realize nominal, indeterminable one-time costs to update systems.

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

The proposed rule change will result in increased SGR collections for LSP. Approximately 72,000 accident reports are generated by LSP each year, and all of them are over two pages due to the construct of the report. Based on this estimate, the proposed rule change would generate between \$288,000 (72,000 * \$4.00) and \$648,000 (72,000 * \$9.00) SGR annually for LSP. LSP estimates the new fee structure will generate approximately \$500,000 SGR annually.

Furthermore, the proposed rule change will establish the maximum fee that can be charged for an electronic copy of an accident by local police departments and sheriff's offices. Act 543 of the 2018 Regular Legislative Session increased the maximum fee for a crash report exceeding two pages to \$20, but provided that local police departments and sheriff's offices could not exceed the fee established by LSP for electronic copies. To the extent that local police departments or sheriff's offices elect to increase their fees for electronic crash reports exceeding two pages, the maximum fee will be \$11.50. Any such changes would result in additional, indeterminable local revenue increases.

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

The proposed rule change will increase costs for individuals obtaining copies of crash reports exceeding two pages by \$9.00 for paper copies (\$16.50 total) and \$4.00 for electronic copies (\$11.50 total). Individuals obtaining copies of electronic reports from local police departments or sheriff's offices may realize a fee change as a result of a new maximum \$11.50 for such reports, should these local governmental units change their fee structure accordingly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Lt. Col. Jason Starnes
Chief Administrative Officer
1901#042

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

**Issuance of Concealed Handgun Permits
(LAC 55:I.Chapter 13)**

In accordance with the provisions of R.S. 40:1379.1 relative to the authority of Louisiana Department of Public Safety to promulgate and enforce rules pursuant to the issuance of concealed handgun permits, Louisiana Department of Public Safety, Louisiana State Police hereby proposes to amend rules under Title 55, Part I, §§1301, 1305, 1307, 1309, and 1315 in relation to requiring certified copies of court minutes as opposed to affidavits, clarification of arrest record, failing to disclose an arrest, requiring fingerprint cards when fingerprint card is not already on file, suspension of permits for DWI arrest, returning invalid permits, and reapplying for permit after denial.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 13. Issuance of Concealed Handgun Permits

§1301. Applications and Permits

A. - E. ...

F. Arrest Record. If the applicant has an arrest record, he shall present with the application a certified copy from the clerk of court or district attorney of the parish or county in which the arrests were made which specifies the disposition on all charges. Arrest record shall include an arrest, summons, nolle prossed charges, dismissed charges, expunged charges, convictions which are set aside and any pardon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 1:495 (November 1975), amended by the Department of Public Safety and Corrections, Office of State Police, LR 22:845 (September 1996), LR 38:1279 (May 2012), repromulgated LR 38:1415 (June 2012), amended LR 43:671 (April 2017), LR 45:

§1305. Definitions

A. ...

Concealed Handgun—any handgun as defined in R.S. 40:1379.3(J)(3) which is carried on a person in such a manner as to hide or obscure the handgun from plain view.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:846

(September 1996), amended LR 28:1483 (June 2002), LR 38:1280 (May 2012), LR 43:672 (April 2017), LR 45:

§1307. Applications and Permits

A. - B.9. ...

10. Incomplete applications, including failure to pay fees and failure to disclose an arrest or criminal offense, shall result in the rejection or denial of a permit application.

11. ...

12. Any false statement or improper notarization contained in any report, disclosure, application, permit form, or any other document required by the department shall be a violation of these rules and shall be cause for denial, suspension, or revocation of the permit.

B.13. - D.4. ...

5. Fingerprint cards shall be required upon renewal and/or submission of training for a lifetime concealed handgun permit if the Department of Public Safety determines that there is no Concealed Handgun Permit fingerprint card submission on file. Failure to comply shall be grounds for a denial or suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:846 (September 1996), amended LR 28:1483 (June 2002), LR 38:1281 (May 2012), repromulgated LR 38:1415 (June 2012), amended LR 43:673 (April 2017), LR 45:

§1309. Permits

A. - G. ...

H. An otherwise lawful permit shall be considered automatically suspended and not valid while the permittee is under the influence of alcoholic beverages or a controlled dangerous substance. For purposes of these rules and the applicable law, a permittee shall be considered under the influence as evidenced by a blood alcohol reading of 0.05 grams percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964. If permittee is arrested for DWI (R.S. 14:98 provisions), the suspension of the concealed handgun permit is indefinite until the DWI is formally resolved with a dismissal, nolle prose, or if the permittee is found not guilty of DWI, or until admission into and completion of a district attorney's pre-trial diversion program. Permittee shall provide proof of official disposition by a certified copy from the court or the district attorney's Office.

I. For any arrest whereby the crime is punishable by a penalty which is disqualifying, the permit shall become invalid by suspension and remain invalid until the official judicial disposition of the charge. The concealed handgun permit shall be returned to the Concealed Handgun Permit Office at Louisiana State Police within 15 days after notification from the Concealed Handgun Permit Office.

J. The deputy secretary shall automatically suspend a permit for six months if a permittee fails to comply with the provisions of R.S. 40:1379.3(I)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:848 (September 1996), amended LR 38:1282 (May 2012), LR 45:

§1315. Appeal and Hearing Procedures

A. Notice of Permit Denial and Appeal

1. ...

a. Option 1—Informal Review. The applicant shall have 10 business days to request an informal review of documentation and evidence provided by the applicant setting out reasons the denial should be considered improper. If the application denial is upheld after an informal review, the applicant may apply for a concealed handgun permit one year from the date of the denial letter. Reapplications one year following denial are reviewed as normal and not automatically approved. Should the applicant remain dissatisfied with the department's decision following this review process, the applicant may appeal this decision within 20 business days of receipt of the department's decision by requesting an administrative hearing. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

b. Option 2—Formal Appeal. The applicant may appeal the denial by the department in writing within 30 days of receipt of the department's decision by requesting an administrative hearing. If an administrative hearing is held, and the administrative law judge upholds the denial, the applicant may apply for a concealed handgun permit one year from the date of the signed decision by the administrative law judge. Reapplications one year following denial are reviewed as normal and not automatically approved. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

A.2. - C.7. ...

8. If the application denial is for failure to disclose an arrest and the applicant chooses to reapply after the one year period, the applicant shall disclose the subject arrest and provide the disposition of the subject arrest on the next concealed handgun permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:851 (September 1996), amended LR 38:1285 (May 2012), LR 43:675 (April 2017), LR 45:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Poverty Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Connor K. Junkin, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, LA 70806. He is responsible for responding to inquiries regarding this proposed Rule.

Lt. Col. Jason Starnes
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Issuance of Concealed Handgun Permits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the de minimis cost of promulgation for FY 18-19.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections.

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

It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 18-19, FY 19-20, and FY 20-21.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Lt. Col. Jason Starnes
Chief Administrative Officer
1901#043

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Photographs (LAC 55:I.Chapter 9)

In accordance with the provisions of R.S. 32:398(G) relative to the authority of the Office of State Police to promulgate and enforce rules, the Office of State Police hereby proposes to adopt the following Rule regarding the establishment of costs for copies of photographs pertaining to accident reports.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 9. Photographs

§901. Costs of Photographs Pertaining to Accident

Reports

A. Notice is hereby given that the Louisiana Department of Public Safety, pursuant to R.S. 32:398(G) has adopted the following fee scale for the sale of photographs pertaining to accident reports.

1. For a proof sheet that includes thumbnails of all photographs, the cost shall be \$10 per sheet. Each sheet holds a maximum of 40 thumbnails.

2. For an individual photograph selected from the proof sheet, the cost shall be \$15 per individual photograph. A CD containing digital copies of only the photograph(s) purchased will be included.

3. For an entire set of photographs (with or without purchasing the proof sheet), the cost shall be \$10 per photograph. A CD containing digital copies of all photographs will be included.

4. For a replacement CD, the cost shall be \$10 per CD.

B. Photographs are available for purchase online at lsp.org, via facsimile to 225-925-4401, or via U.S. mail to: Office of State Police, Photo Lab, D-3, P.O. Box 66614, Baton Rouge, LA 70896.

C. Photographs and CDs will be shipped within three to five business days after receiving payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(G).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed rules. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Poverty Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to: Adrienne Aucoin, Post Office Box 66614, Baton Rouge, LA

70896 or via facsimile 225-925-4624. Written comments will be accepted through February 15, 2019.

Lt. Col. Jason Starnes
Chief Administrative Officer

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Photographs**

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

The proposed rule will not result in any costs or savings to state or local governmental units. The proposed rule codifies the Louisiana State Police (LSP) Photo Lab's existing fee schedule for the purchase of photographs pertaining to accident reports. For reference, the existing fees are \$10 per sheet for proof sheets, \$15 each for individual photographs, \$10 per photograph for entire sets, and \$10 for any replacement CD.

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

The proposed rule will have no impact on revenue collections of state or local governmental units. The proposed rule codifies existing fees.

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

The proposed rule will have no effect on costs or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Lt. Col. Jason Starnes,
Chief Administrative Officer
1901#041

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

2019-2020 Hunting Regulations and Seasons
(LAC 76:V.119 and 76:XIX.Chapter 1)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the cervid carcass importation ban, the general and wildlife management area rules and regulations for the 2019-2020 season, the resident game hunting season for the 2019-2021 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2020 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2019-2021 hunting season.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§119. Cervid Carcass Importation

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou, fallow deer, axis deer, sika deer, red deer and reindeer.

B. No person shall import, transport or possess any cervid carcass or part of a cervid carcass originating outside of Louisiana or from Louisiana lands east of the Mississippi River in East Carroll, Madison, Tensas and Concordia parishes, except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned cervid teeth. Any and all bones shall be disposed of in a manner where its final destination is at an approved landfill or equivalent. Said rule shall be effective March 1, 2017.

C. Approved parts or deboned meat transported from other states must be legally possessed from the state it was taken. Approved parts and deboned meat from other states must contain a possession tag with the hunter's name, out-of-state license number (if required), address, species, date and location (county and state) of harvest. All cervids transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in accordance with Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 43:344 (February 2017), LR 45:

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2019-2020	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2019-2020

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: 3rd Sat. of Oct. CLOSES: After 1st Sun. of Jan.	

D. Deer Hunting Schedule 2020-2021

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of “hunter orange” and wear a “hunter orange” cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special

degradation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held

or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be

valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species: Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Atwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours year round. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2019-2020 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2020-2021 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer

dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to use or possess scents or lures that contain natural deer urine or other bodily fluids while taking, attempting to take, attracting or scouting wildlife.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow

fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or blaze pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a hunter orange or blaze pink cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange or blaze pink cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2019-2021

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

- b. Portions of the following parishes are also open:
 - i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;
 - ii. Avoyelles—that portion west of I-49;
 - iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;
 - iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;
 - v. Grant—all except that portion south of LA 8 and east of US 165;
 - vi. Jefferson Davis—north of US 190;
 - vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;
 - viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;
 - ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;
 - x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;
 - xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

- i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);
- ii. Ouachita—east of Ouachita River;
- iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;
- iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of

Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

- a. Portions of the following parishes are open:
 - i. Acadia—north of I-10;
 - ii. Allen—west of US 165 and south of LA 10;
 - iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
 - iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
 - v. Jefferson Davis—north of I-10 and south of US 190;
 - vi. Lafayette—west of I-49 and north of I-10;
 - vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
 - viii. St. Landry—west of US 167;
 - ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

- i. Acadia—north of I-10;
- ii. Allen—south of US 190 and west of LA 113;
- iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;
- iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;
- v. Jefferson Davis—north of I-10 and south of US 190;
- vi. Lafayette—west of I-49 and north of I-10;
- vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;
- viii. St. Landry—west of US 167;
- ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

- b. Portions of the following parishes are also open:
 - i. East Baton Rouge—all except that portion west of I-110 and west of US 61;
 - ii. East Feliciana—east of US 61;
 - iii. Livingston—north of I-12;
 - iv. Tangipahoa—north of I-12;
 - v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

- i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south

of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25;

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin Parish south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville Parish—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia Parish—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary Parish—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia

parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing

permit will consist of two portions: check in, check out. On WMAs where self-clearing permits are required, all persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. ~~The~~ If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Additionally, a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety

certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details. f.

Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;
- iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, EXCEPT bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog

may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round, except airboats allowed on Maurepas Swamp WMA pursuant to R.S. 56:109.4. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of

deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and trails.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Pass-a-Loutre, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or

permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons CLOSED. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires EXCEPT in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms: Fri. after Thanksgiving Day for 3 days, bucks only.

(c). Primitive Firearms: 2nd Sat. of Oct. for 2 days; first Sat. of Nov. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside EXCEPT CLOSED during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Limited Access Area: Operation of internal combustion engines prohibited from September through January. See WMA map for specific locations. Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited EXCEPT as permitted for authorized WMA trappers. Big Island: CLOSED to all activities during the month of October, EXCEPT LDWF Lottery Hunts.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only (Big Island CLOSED during October); no deer hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta Headquarters.

ii. Deer Youth Lottery (either-sex): 2nd Sat. of Oct. for 2 days; 3rd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs at 337-735-8667 for details.

iii. Small Game: Same as outside EXCEPT Rabbit Only:

(a). Wax Lake Delta: Oct. 7-31 and Feb. 1-28, with or without beagles. Nov. 1 - Jan. 31 without beagles only.

(b). Main Delta: Feb. 1-28, with or without beagles. CLOSED October through January.

iv. Waterfowl: Same as outside, EXCEPT shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and EXCEPT shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area CLOSED to all EXCEPT Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte

LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game & Waterfowl: Same as outside EXCEPT small game hunting CLOSED during either-sex modern firearms seasons CLOSED during youth deer seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all EXCEPT Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited EXCEPT as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Sat. prior to Thanksgiving for 2 days, Mandatory Deer Check, either-sex.

(d). Primitive Firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing EXCEPT for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office, for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the West Zone season.

iv. Other Small Game: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, EXCEPT when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: Same as outside EXCEPT CLOSED during either-sex firearms seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside EXCEPT beagles allowed for rabbits when duck season is closed and EXCEPT CLOSED to squirrel hunting during the spring season.

j. Bodcau. Area closed to all EXCEPT Youth deer hunters during the Youth Deer Hunt on designated portion.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days EXCEPT when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: Permit required. Open all year EXCEPT CLOSED during WMA Turkey Season. Contact Minden Office for permits and information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 EXCEPT Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Limited Access Area: No motorized vessels or vehicles allowed Nov. 1-Jan. 31.

Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Deer Either-sex modern firearms season, and EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

1. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearm season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the

day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting activity. Recreational fishing and all other allowed non-consumptive uses only.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all EXCEPT Youth Deer Hunters and Permitted Disabled Veterans Hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Pineville office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, EXCEPT season will open for 10 days when statewide season opens Good Friday.

iii. Small Game & Waterfowl: Same as outside, EXCEPT CLOSED during either-sex gun hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all EXCEPT Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex gun hunts and EXCEPT spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Limited access area, no motorized vessels or vehicles allowed from November through January. Area Closed: to all EXCEPT Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt EXCEPT waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, EXCEPT deer hunting restricted to ARCHERY ONLY. All vehicles, including ATVs, are prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, EXCEPT by lottery only opening weekend of 1st split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfishing: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 1st consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: Any weekend after youth lottery hunts. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps,

located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Cantonment Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. Hunter Orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "Hunter Orange" or "Blaze Pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all EXCEPT Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 9 days, EXCEPT season will open for 10 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 1 day.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside EXCEPT permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted EXCEPT on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfishing: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 3 days, 2nd Fri. of April for 3 days, 3rd Fri. of April for 3 days, 4th Fri. of April for 3 days, 1st Fri. of May for 4 days.

(b). Youth Lottery: Sat. before opening day of statewide season. General Lottery (15 Kid Draw, 1 day)

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex modern firearms seasons for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for

squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk. Limited Access Area: No internal combustion engines allowed year round. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: Nov. 1 - Feb. 28 and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, EXCEPT ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year EXCEPT CLOSED during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game & Waterfowl: Same as outside EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: Same as outside EXCEPT youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on WMAs), and EXCEPT CLOSED during either-sex firearms seasons for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac. Limited Access Area: No internal combustion engines allowed from September through January. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game & Waterfowl: Same as outside EXCEPT steel shot required for rails, snipe and gallinules and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

- iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.
- iv. Crabs: No crab traps allowed. Attended lift nets are allowed.
- dd. Marsh Bayou.
 - i. Deer: Same as outside, Archery Only, Either-sex.
 - ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.
 - iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.
 - ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters EXCEPT Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.
 - (b). Youth: 1st Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit
 - (d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.
 - (e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.
 - ii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and CLOSED during youth deer season and EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.
 - (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.
 - iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.
 - iv. Crawfish: Limited to 100 pounds per person per day.
 - ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre

Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, EXCEPT allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass. Limited Access Area: Operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

- i. Deer
 - (a). Archery (bucks only): Oct. 1- Feb.15.
 - (b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.
 - (c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.
 - ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.
 - iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.
 - iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.
 - gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4:00 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters EXCEPT Youth Hunters during Youth deer hunt
 - i. Deer:
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.
 - (d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game: Same as outside EXCEPT CLOSED the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside EXCEPT no hunting in Waterfowl Refuge Area and EXCEPT CLOSED Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex EXCEPT restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and EXCEPT CLOSED to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and

wear a "Hunter Orange" or "Blaze Pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited. Limited Access Areas: Operation of internal combustion engines prohibited from September through January. See WMA map for specific location.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property EXCEPT Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Feb. 15

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2nd Sat. of Dec. for 7 days

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside EXCEPT CLOSED during bucks only firearms season and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting PROHIBITED.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA boundary, and on the north by the WMA boundary and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1st Sat. of Oct. for 2 days, 2nd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: CLOSED

(c). Small Game: Same as outside, EXCEPT CLOSED until the day after the last youth deer hunt day and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, EXCEPT opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, EXCEPT during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all EXCEPT Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunt for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting

day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday EXCEPT closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside EXCEPT allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd & 4th Sat of Dec. except if the 4th Sat. is Christmas Day, then the hunt will be the 2nd & 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan except when the 1st Sat. of Jan. is New Year's Day then the hunt will be the 2nd & 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, EXCEPT when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.
v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside EXCEPT CLOSED from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons.

ll. Russell Sage. AREA CLOSED: Last Sat. of Oct. for 2 days South of I-20 only to all EXCEPT Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Limited Access Areas: motorized vessels and vehicles prohibited Nov. 1-Jan. 31. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2:00pm-4:00am, and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, EXCEPT hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited EXCEPT as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, EXCEPT still hunt only, EXCEPT deer hunting restricted to archery only, and EXCEPT small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e) Primitive Firearms: Monday after Firearms Bucks Only season for 7 days.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31. Snipe hunting after 2 p.m. prohibited during duck season. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: That portion designated as the Physically Challenged Deer Hunting Area is closed to all activities the Fri. before 3rd Sat. of Oct. for 3 days to all but Physically Challenged Deer Hunters. Remainder of area closed to all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters. Physically Challenged Deer Hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, Mandatory Deer Check, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT

CLOSED during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: 4th Sat. of Sept. for 2 days to all EXCEPT Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season EXCEPT still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED 4th Sat. of Sept. for 2 days and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats

powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA CLOSED: During the month of October to all activities EXCEPT fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each EXCEPT when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside.

iii. Small Game: Same as outside EXCEPT CLOSED October through December. Beagles allowed for rabbits Jan. 1 - Feb. 28.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1st Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex, North Tract only.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, EXCEPT season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside EXCEPT Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., EXCEPT restricted to that portion south of LA Hwy. 10 only and EXCEPT blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year EXCEPT CLOSED during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer EXCEPT as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed EXCEPT specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days EXCEPT to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters EXCEPT youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS CLOSED. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. EXCEPT no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2nd Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 3 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April

iii. Small Game: Same as outside EXCEPT CLOSED during Firearms Either-Sex Deer and EXCEPT spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after

close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Waterfowl, Snipe, Rail, & Gallinules: Same as outside EXCEPT CLOSED during Firearms Either-Sex Deer and EXCEPT hunting after 2 p.m. prohibited EXCEPT no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: CLOSED

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year EXCEPT CLOSED during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited EXCEPT:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all EXCEPT Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use

of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4th Sat. of April for 2 days.

iii. Small Game & Waterfowl: Same as outside EXCEPT small game CLOSED during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday EXCEPT slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. CLOSED until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside EXCEPT only allowed after 2 p.m. during waterfowl season, EXCEPT during early TEAL SEASON, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, EXCEPT to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2nd Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1st Sat. of Nov. for 2 days to all EXCEPT Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2nd Sat. of Dec. for 9 days, EXCEPT when there are 5 Sats. in Dec. then it will open on the 3rd Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside EXCEPT CLOSED during Youth Deer Hunt and Primitive Firearms Deer Hunt and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hills.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel

hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all EXCEPT Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside EXCEPT shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth & Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside EXCEPT CLOSED during either-sex firearms hunts and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb. 18.

Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2nd Sat. in November for 3 days. Restricted to scout program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including

bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached

tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- iv. East Baton Rouge;
- v. East Feliciana;
- vi. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- vii. Jackson;
- viii. LaSalle;
- ix. Lincoln;
- x. Livingston;
- xi. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Rapides;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. Tangipahoa;
- xvi. Union;
- xvii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xviii. West Feliciana (including Raccourci Island);
- xix. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

- i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Calcasieu—north of I-10;
- iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;
- iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;
- v. Evangeline—north and west of LA 115, south of LA 106 west of LA 115 to US 167, west of US 167 north to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
- vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;
- vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;
- viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Richland—that portion south of US 80 and east of LA 17;

xii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

- i. Ascension;
- ii. Bossier;
- iii. DeSoto;
- iv. Red River;
- v. St. Tammany;
- vi. Washington;
- vii. Webster.

- b. Portions of the following parishes are open:
 - i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;
 - ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;
 - iii. Iberville—all east of the Mississippi River;
- Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

- a. All of the following parishes are open:
 - i. Concordia;
 - ii. Pointe Coupee;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

- iii. West Baton Rouge.

- b. Portions of the following parishes are open:

- i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;
- ii. Caldwell—all east of the Ouachita River;
- iii. Catahoula—all of the parish except for that portion located in area A;
- iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;
- v. Iberville—west of the Mississippi River

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

- vi. Iberia—east of the west Atchafalaya Basin protection levee;
- vii. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;
- viii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

- ix. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;
- x. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

- 4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B,

and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 7-Sept. 15 Oct. 12-Nov. 17 Dec. 19-Jan. 31 North Zone: Sept. 7-Sept. 29 Oct. 12-Oct. 17 Dec. 28-Jan. 26	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 14-Sept. 29	4	12
King and Clapper Rails	Sept. 14-Sept. 29 Nov. 9-Jan. 1	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 14-Sept. 29 Nov. 9-Jan. 1	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 14-Sept. 29 Nov. 9-Jan. 1	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28 West Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28 East Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Coastal Zone: Nov. 2-3 (youth only) Nov. 9-Dec. 8 Dec. 21-Jan.19 West Zone: Nov. 9 (youth only) Nov. 16-Dec. 8 Dec. 21-Jan. 26 Feb. 1 (youth hunt) East Zone: Nov. 16 (youth only) Nov. 23-Dec. 8 Dec. 14-Jan. 26 Feb. 1 (youth only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasbacks, 1 mottled duck, 1 black duck, 3 wood ducks, 3 scaup, 2 redheads, and 1 pintail. Daily bag limit on coots is 15. Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 9 South Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 9	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 2-Dec. 8 Dec. 21-Jan. 31 South Zone: Nov. 2-Dec. 8 Dec. 21-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 9-Dec. 13 Feb. 10-Mar. 15 South Zone: Dec. 9-Dec. 13 Feb. 10-Mar. 15	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 4-Jan. 31	
Rails and Gallinule	Nov. 4-Jan. 31	
Ducks	Nov. 4-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana order on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish

Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until Thursday, March 7, 2019 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: 2019-2020 Hunting Regulations and Seasons

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

The proposed rule changes are not anticipated to have any costs to state and local governmental units from the various changes to Department of Wildlife and Fisheries' hunting regulations for 2019-2021. The proposed rule changes include allowing the hunting of nuisance animals without a permit, the collection of American lotus seeds and pods on Wildlife Management Areas (WMA), and the use of airboats on the Maurepas Swamp WMA pursuant to Act 618 of 2018. It clarifies the definition of "no wake zones" on WMAs, requires individuals participating in activities on WMAs to possess a WMA Self-Clearing Permit (SCP) for each day they are present on a WMA, permits the use of an electronic or mobile SCP through the LDWF website or application ("app"), makes the regulations in regards to SCPs consistent on all WMAs, and increases the bag limit for raccoons and opossum on WMA from one to two a day.

Proposed rule changes revise the turkey hunting season and requirements on several WMAs including reducing days of open season and prohibiting use of motorized turkey decoys. It prohibits the use of natural deer urine as an attractant for deer hunting, the use of unmanned aerial vehicles on WMAs, commercial fishing on Big Lake WMA and on Wonder Lake in the Pointe-aux-Chenes WMA, and all nighttime activities on the Pointe-aux-Chenes WMA.

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

The proposed rule changes are anticipated to have no impact on revenue collections of the state or local governmental units.

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

The proposed rule changes may impact hunters and persons utilizing Wildlife Management Areas. A majority of the changes pertain to game limits, hunting seasons and use of certain equipment on Wildlife Management Areas. While the aforementioned groups may incur additional costs or benefits as a result of the proposed rules, the impacts are not anticipated to be material.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
1901#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Oyster Seed Grounds East of the Mississippi River
(LAC 76:VII.511)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend Rule LAC 76:VII.511, un-designating a portion of the Public Oyster Seed Grounds East of the Mississippi River. Approximately 40,248 acres in the western portion of the seed grounds shall be set aside for oyster leasing as per provisions of subpart D of Part VII of Louisiana Revised Statutes Title 56, and shall no longer be designated as a seed ground upon commencement of the first lottery phase of the oyster moratorium lifting process pursuant to the provisions of Phase Four of Section 2 of Act 595 of the 2016 Regular Session of the Legislature.

Authority to modify the Public Oyster Seed Ground boundaries is vested in the Wildlife and Fisheries Commission by R.S. 56:434(A).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§511. Public Oyster Seed Grounds East of the Mississippi River

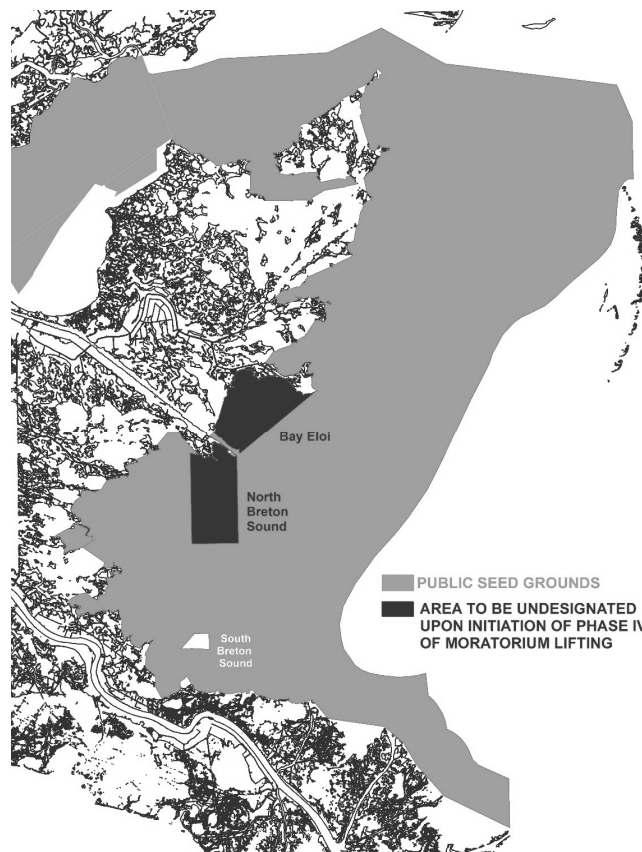
A. The public oyster seed grounds east of the Mississippi River are described as that portion of state water bottoms hatched on the map below, except as follows:

1. that portion as described in Louisiana Administrative Code (LAC) 76:VII.531.B. (Oyster Lease Relocation) and more particularly described as that area within the following coordinates (North American Datum 1983):

- a. South Breton Sound
 - i. 89 degrees 27 minutes 49.74 seconds W
29 degrees 27 minutes 48.91 seconds N;
 - ii. 89 degrees 26 minutes 36.54 seconds W
29 degrees 27 minutes 48.89 seconds N;
 - iii. 89 degrees 26 minutes 36.47 seconds W
29 degrees 26 minutes 38.48 seconds N;
 - iv. 89 degrees 28 minutes 04.69 seconds W
29 degrees 26 minutes 43.66 seconds N;
 - v. 89 degrees 28 minutes 58.49 seconds W
29 degrees 26 minutes 41.69 seconds N.

2. The below described areas, comprising approximately 40,248 acres, shall no longer be designated as a seed ground and shall be set aside for oyster leasing as per provisions of subpart D of Part VII of Louisiana Revised Statutes Title 56, upon commencement of the first lottery phase of the oyster moratorium lifting process pursuant to the provisions of Phase Four of Section 2 of Act 595 of the 2016 Regular Session of the Legislature:

- a. North Breton Sound
 - i. 89 degrees 24 minutes 00.000 seconds W
29 degrees 41 minutes 00.468 seconds N;
 - ii. 89 degrees 24 minutes 00.000 seconds W
29 degrees 34 minutes 30.000 seconds N;
 - iii. 89 degrees 27 minutes 56.000 seconds W
29 degrees 34 minutes 30.000 seconds N;
 - iv. 89 degrees 27 minutes 56.000 seconds W
29 degrees 41 minutes 12.400 seconds N;
 - v. following the current public oyster seed ground boundary line and shorelines back to point of beginning.
- b. Bay Eloi
 - i. 89 degrees 17 minutes 12.190 seconds W
29 degrees 45 minutes 49.160 seconds N;
 - ii. 89 degrees 23 minutes 46.500 seconds W
29 degrees 41 minutes 09.948 seconds N;
 - iii. following the current public oyster seed ground boundary line and shorelines back to point of beginning.



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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14:716 (October 1988), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1624 (June 2011), LR 45:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972 (B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Written comments should be addressed to Carolina Bourque, Marine Fisheries Biologist, 200 Dulles Drive, Lafayette, LA 70506, or via e-mail to cbourque@la.gov prior to March 5, 2019.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Public Oyster Seed Grounds East of the Mississippi River**

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

The proposed rule changes are not anticipated to have any implementation costs or savings to state or local governmental units from the modifications to the boundaries of the Public Seed Grounds East of the Mississippi River in Plaquemines and Saint Bernard parishes that will be adopted upon the initiation of Phase IV of the oyster lease moratorium removal. While it is anticipated there will be an increase in processing costs from new applications from the proposed rule change, the Louisiana Department of Wildlife and Fisheries (LDWF) will have sufficient staff to absorb this additional workload because staff adjustments from the previous phases of the oyster lease moratorium removal will be responsible for this workload increase.

The proposed rule changes modify the boundaries of the Public Seed Grounds East of the Mississippi River in Plaquemines and Saint Bernard parishes. There are approximately 40,000 acres of historically unproductive grounds that will be removed from the public oyster seed grounds and made available for private oyster leases upon

commencement of the first lottery phase of the oyster moratorium lifting process pursuant to the provisions of Section 2 of Act 595 of 2016.

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

The proposed rule changes will increase LDWF revenues as result of additional available lease acreage; however, the timing is uncertain because these revenues will not be generated until the commencement of the first lottery phase of the oyster moratorium lifting process. It is anticipated this will not occur prior to the end of FY 21, and, once fully implemented, revenues may increase by as much as \$25,000 to \$32,000 in one-time application fees and approximately \$120,000 per year in recurring oyster lease payments assuming all available acres are leased.

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

The proposed rule changes will have an unknown economic benefit for commercial oyster producers which would gain access to more acres to lease for oyster production. The portions of the Public Oyster Seed Grounds declassified under the proposed rule change currently produce few oysters but may produce oysters in future if potential leaseholders develop the area. Additionally, individuals who hold leases will be responsible for application fees as well recurring oyster lease payments based on acreage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be an impact on competition in the national oyster market due to the increased oyster lease acreage in Louisiana as a result of the proposed rule change.

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**Administrative Code Update
CUMULATIVE: January-December 2018**

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:				
			Month	LR 44 Page #				Month	LR 44 Page #			
4	I.401 V.Chapter 15	Amended	Dec.	2222	28	XXXIX.903-915,1101 LXXIX.123 LXXIX.125	Repealed	Mar.	479			
		Amended	June	1174			Amended	Dec.	2132			
7	III.101 III.Chapter 5 V.Chapter 29 XIII.101,109,131,133,141,301,519,709,723, 749,755,761 XV.127 XV.167 XV.169 XXIII.709,711,715,2101 XXV.Chapter 1 XXIX.111,113 XXXV.107	Amended	Mar.	437		CXV.501 CXV.504 CXV.333,2318 CXV.2305 CXV.Chapter 23 CXV.2318 CXV.2338 CXXXI.203,Chapter 3,414,605,803, Chapter 9 CXXXI.203,901-911 CXXXI.305,311 CXXXI.311,903,905,906,911 CXXXIX.105,515,1101,2101,2711,3705 CXXXIX.Chapters 3-40 CXXXIX.311,313,519,2805,4001,4003 CXXXIX.512,518,523,1502,3501 CXXXIX.2107,2905 CXXXIX.2903 CXXXIX.4005 CLXI.101,103,Chapters 3-17,1805,1807, Chapter 19 CLXI.103,701-707,713,1105,1301,1307 CXLI.317 CLXI.505,507,509,1701,1703,1705 CLXI.1509,1515,1709-1717,1721-1725 CLXI.Chapter 18 CLXI.1903,1907,1909,1919,2103 CLXV.103,309,311-315,505,509,513,521 CLXV.310 CLXV.103,511,515,519 CLXV.512 CLXV.903 CLXVII.103,307,313,503,509,511,512, 515,517,523,703 CLXVII.507,705 CLXXI.101,103,105,107,109,111	Adopted	Mar.	437	Amended	Dec.	2132
		Amended	Mar.	440			Amended	Dec.	2132			
		Amended	Oct.	1851			Amended	Aug.	1443			
		Amended	Mar.	439			Amended	Oct.	1867			
		Amended	Sept.	1589			Repromulgated	Nov.	1998			
		Adopted	Sept.	1589			Adopted	Oct.	1867			
		Amended	Dec.	2126			Amended	Nov.	1999			
		Amended	July	1235			Amended	Feb.	264			
		Amended	Dec.	2127			Amended	Apr.	745			
		Amended	Aug.	1417			Amended	Dec.	2132			
		Amended	June	1009			Amended	Dec.	2130			
		Amended	Aug.	1417			Amended	Feb.	230			
		10	XV.111	Amended			June	1009		CXXXIX.Chapters 3-40 CXXXIX.311,313,519,2805,4001,4003 CXXXIX.512,518,523,1502,3501 CXXXIX.2107,2905	Amended	Feb.
Amended	Aug.			1417	Adopted	Feb.	230					
13	I.Chapter 5	Amended	Aug.	1417		CXXXIX.512,518,523,1502,3501 CXXXIX.2107,2905	Repealed	Feb.	230			
		Amended	Jan.	75			Amended	Dec.	2132			
17	I.107 I.Chapter 1	Amended	Dec.	2218		CXXXIX.2903 CXXXIX.4005 CLXI.101,103,Chapters 3-17,1805,1807, Chapter 19 CLXI.103,701-707,713,1105,1301,1307 CXLI.317 CLXI.505,507,509,1701,1703,1705 CLXI.1509,1515,1709-1717,1721-1725 CLXI.Chapter 18 CLXI.1903,1907,1909,1919,2103 CLXV.103,309,311-315,505,509,513,521 CLXV.310 CLXV.103,511,515,519 CLXV.512 CLXV.903 CLXVII.103,307,313,503,509,511,512, 515,517,523,703 CLXVII.507,705 CLXXI.101,103,105,107,109,111	Adopted	Dec.	2132			
		Amended	Jan.	75			Adopted	Feb.	230			
19	V.100,500,700,900,1100,1300 VII.107,109 VII.117 IX.301	Amended	Aug.	1451		CLXI.101,103,Chapters 3-17,1805,1807, Chapter 19 CLXI.103,701-707,713,1105,1301,1307 CXLI.317 CLXI.505,507,509,1701,1703,1705 CLXI.1509,1515,1709-1717,1721-1725 CLXI.Chapter 18 CLXI.1903,1907,1909,1919,2103 CLXV.103,309,311-315,505,509,513,521 CLXV.310 CLXV.103,511,515,519 CLXV.512 CLXV.903 CLXVII.103,307,313,503,509,511,512, 515,517,523,703 CLXVII.507,705 CLXXI.101,103,105,107,109,111	Amended	Oct.	1858			
		Amended	Feb.	229			Amended	Feb.	247			
		Adopted	Feb.	229			Repealed	Oct.	1858			
		Amended	Oct.	1857			Repealed	Feb.	247			
22	I.207 III.Chapter 47 V.203 V.203,211 V.211 XI.102,303,307,510,701,703,711 XI.307,510,514 XIII.301 XIII.503	Amended	Mar.	608		CLXI.1509,1515,1709-1717,1721-1725 CLXI.Chapter 18 CLXI.1903,1907,1909,1919,2103 CLXV.103,309,311-315,505,509,513,521 CLXV.310 CLXV.103,511,515,519 CLXV.512 CLXV.903 CLXVII.103,307,313,503,509,511,512, 515,517,523,703 CLXVII.507,705 CLXXI.101,103,105,107,109,111	Amended	Feb.	247			
		Amended	June	1007			Adopted	Feb.	247			
		Amended	June	1006			Amended	Feb.	247			
		Amended	Mar.	574			Amended	Feb.	257			
		Amended	Dec.	2140			Adopted	Feb.	257			
		Amended	Mar.	574			Amended	Apr.	800			
		Amended	Dec.	2140			Amended	Feb.	262			
		Amended	Dec.	2143			Amended	Aug.	1438			
		Amended	Feb.	270			Repealed	Aug.	1438			
		Amended	Nov.	1995			Adopted	Dec.	2132			
		28	I.Chapter 3,503,705,715,1303,2103,2709 I.503,1107,1303 I.1309,1311 III.103, 1701, 2301 IV.Chapters 1-23 IV.501,503,1207,1209,1407,1409,1501 IV.509,703,803,2113 IV.703 IV.1217,1419,1619,1803 IV.1307 IV.1507-1513,1603,1611,1617,1803, 1809 IV.2003,2301 VI.107,311 VI.311,315,Chapter 5 VI.Chapter 7 XI.101,301,405,409,413,601-709,903,1101 XI.303,515-521,611-613,708,1107,1605 XI.305,411,501,503,901,905-911,1601 XI.307,510,514 XI.607,709,901 XI.1102,1105,1301,1603,2401,2501,2505 XI.1607,2101,4005,4310 XI.2901,3101,3103,3301,3303,3901-4301 XI.4503 XI.5105 XI.5105-5109,5305-5312,5315,5501,5511 XI.5305,5309,5311 XI.5701,6803,6813 XI.5701,5901-5907,6101-6115,6803,6811 XI.6115 XI.6155-6801,6804,6831,6900,7000,7001 XI.6813-6821,6825-6903,6911-7101,7209 XI.6913 XI.7005-7041,7203,7205,7400,7901-8101 XI.7311-7503,8301-8307,8503,8507 XI.Chapter 97 XXXIX.103,305,501,503,507,513,705,707 XXXIX.503 XXXIX.503,703,705,707 XXXIX.701,703 XXXIX.901	Amended			Apr.	744	33	I.501 I.1203,1911 III.211,223,307,309,319 III.307 III.321 III.502 III.505,507,2160,3003,5116,5122,5311 III.2132 III.5901 V.108,1101,1109,1111,1113,1901,2245 V.2299,4105,4301 V.5111 V.5111,5119,5123,5139 V.10303 V.Chapters 301-305 V.30139 V.30143,30591 IX.1309 IX.7117 XI.Chapters 1-13 XI.511,513,515,801,803 XV.102,328,342,390,499,763,1519, 1613,1615,1637,	Amended	Jan.
Adopted	Nov.			1995	Amended	July	1238					
Amended	June			1005	Amended	July	1238					
Amended	Mar.	484	Repromulgated	Aug.	1444							
Repromulgated	Mar.	484	Adopted	Jan.	42							
Amended	Oct.	1869	Amended	Apr.	748							
Amended	June	1004	Amended	Apr.	746							
Repealed	Mar.	484	Amended	July	1242							
Adopted	Mar.	484	Amended	Apr.	746							
Repromulgated	Mar.	484	Amended	Jan.	39							
Repromulgated	Mar.	484	Amended	Jan.	39							
Amended	Oct.	1877	Repromulgated	Aug.	1444							
Amended	Oct.	1887	Amended	July	1238							
Adopted	Oct.	1877	Amended	May	921							
Amended	Mar.	446	Amended	June	1021							
Repealed	Mar.	446	Repealed	June	1021							
Adopted	Mar.	446	Adopted	June	1021							
Amended	Dec.	2140	Amended	July	1238							
Amended	Nov.	1997	Amended	Oct.	1888							
Amended	Mar.	446	Amended	Sept.	1591							
Repealed	Mar.	446	Adopted	Sept.	1591							
Amended	Mar.	446	Amended									
Amended	Feb.	230										
Amended	Dec.	2129		Dec.	2137							
Amended	Mar.	461	34	III.313 V.Chapters 1-33 V.111	Amended	Mar.	577					
Amended	Mar.	461			Amended	Apr.	749					
Amended	Oct.	1857	Adopted	Apr.	770							
Amended	Dec.	2127	35	III.5704,5706,5710,5714,5724,5764 III.5707,5709,5713,5723 XI.9905, 9909	Adopted	May	913					
Amended	Mar.	461			Amended	May	913					
Amended	Mar.	461	Amended	May	916							
Amended	July	1237	37	XIII.Chapter 3 XIII.325 XIII.Chapter 5 XIII.522 XIII.1945 XIII.4101,4117 XIII.10107,10709,10113,10119 XIII.10109,10113	Amended	Jan.	64					
Repealed	Mar.	461			Adopted	Jan.	64					
Amended	Mar.	461	Amended	Dec.	2189							
Adopted	Aug.	1425	Adopted	Dec.	2189							
Amended	Mar.	479	Repromulgated	Apr.	784							
Amended	Dec.	2131	Amended	Aug.	1448							
Amended	June	1003	Amended	Dec.	2210							
Adopted	Mar.	479	Amended	Nov.	2008							
Amended	Mar.	479										

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			Month	LR 44 Page #				Month	LR 44 Page #	
37	XIII.10119	Repromulgated	Nov.	2008	48	I.Chapter 62	Amended	Apr.	773	
	XIII.Chapter 139	Repealed	Aug.	1448		I.6297	Adopted	Apr.	773	
	XIII.Chapter 149	Adopted	Nov.	2009		I.6837	Amended	July	1252	
	XIII.Chapter 155	Adopted	Jan.	68		I.Chapter 82	Amended	Mar.	588	
	XIII.Chapter 157	Adopted	Nov.	2011		I.8216,8246	Adopted	Mar.	588	
	XIII.Chapter 159	Adopted	Dec.	2211		I.8249,8251	Repealed	Mar.	588	
40	I.6605,6613	Amended	Jan.	102	I.Chapter 90	Amended	Feb.	287		
	I.6665	Repromulgated	Apr.	798	I.12501,12503	Amended	Feb.	280		
	I.6665,6667	Adopted	Jan.	102	I.12524	Adopted	Feb.	280		
	III.501	Adopted	Jan.	102	I.19707	Amended	Jan.	63		
	III.502	Adopted	June	1097	V.6303	Amended	Oct.	1908		
	IV.379	Adopted	Nov.	2025	V.Chapter 85	Amended	Jan.	71		
42	I.Chapter 17	Amended	Apr.	788	50	V.8512,8514	Adopted	Jan.	71	
	I.1785	Adopted	Apr.	788		V.13703	Amended	Oct.	1908	
	III.110	Amended	Dec.	2215		I.103	Adopted	Nov.	2006	
	III.1701	Amended	Dec.	2215		I.1501	Amended	May	920	
	III.Chapter 21,2910	Amended	Dec.	2215		I.2117	Adopted	Nov.	2004	
	III.2401	Adopted	Dec.	2215		I.3103,3507	Amended	July	1253	
	III.2704	Adopted	Dec.	2215		I.3111	Adopted	Feb.	283	
	III.2717,2723	Amended	Dec.	2215		I.3507	Amended	Jan.	61	
	III.2723	Amended	Nov.	2014		I.3507	Amended	Oct.	1902	
	III.Chapter 28	Adopted	Aug.	1449		I.Chapter 37	Amended	Feb.	285	
	III.4205	Repealed	Nov.	2014		II.501,503,507	Amended	June	1018	
	XI.2405	Amended	Nov.	2014		II.503	Amended	Dec.	2166	
	XI.2415	Amended	Aug.	1450		II.10101,10156	Amended	June	1019	
	43	I.133	Adopted	Aug.		1451	V.115	Adopted	Jan.	60
		XIII.Chapters 1-65	Adopted	Feb.		345	V.301	Repealed	Mar.	607
XIII.329,1935,2940,Chapters 67-85		Amended	June	1021	V.953,955,959,961	Amended	Aug.	1445		
XIII.6311		Adopted	June	1021	V.2715	Adopted	Feb.	276		
XIX.533		Repealed	June	1021	V.2717	Adopted	Oct.	1893		
XIX.537		Amended	June	1021	V.5107	Repealed	Oct.	1903		
XIX.701,703,707		Repealed	Dec.	2214	V.5313,5317,5513,5517,5713,5719,5913,					
		Repealed	Dec.	2214	5917,6115,6119	Amended	Dec.	2166		
		Amended	Nov.	2013	VII.32901,32915	Amended	Aug.	1446		
46		I.Chapter 22	Adopted	Feb.	268	VII.32917	Repealed	Mar.	608	
		XXIX.101,103	Adopted	Feb.	268	VII.32949,32951,32953,32955	Repealed	Aug.	1446	
		XXIX.Chapters 1-7	Amended	Dec.	2143	VII.32969	Amended	Jan.	60	
	XXIX.110, 315, 317, 319, 321, 515, 517, 519,521, 901, 903, 1103, 1109, 1111, 1113, 1301, 1501, 1503, 1505, 1507, 1509, 1511,1513, 1515,1517	Amended	Dec.	2143	VII.32969	Amended	Apr.	744		
	XXXI.Chapter 3	Repealed	Dec.	2143	VII.33103	Amended	Jan.	61		
	XXXI.308,507,1110,1201	Amended	May	908	IX.15110	Adopted	Jan.	62		
	XXXI.310, 1111	Adopted	May	908	IX.15113	Amended	Jan.	62		
	XXXI.502,503,709,713,901,903	Repealed	May	908	IX.15151,15153	Amended	May	920		
	XXXI.1101,1105,1109,1705,1707,1709	Amended	May	908	XI.10503,10701	Amended	July	1252		
	XXXIII.134	Adopted	May	908	XI.10703	Amended	Dec.	2162		
	XXXIII.306,706,1607,1611,1613,1709	Amended	May	908	XI.16703	Amended	Oct.	1903		
	XXXIII.701	Adopted	Jan.	45	XI.16703	Amended	Dec.	2168		
	XXXIII.1505	Amended	Jan.	45	XIII.101,103,301,303,305,501	Amended	Jan.	58		
	XXXIII.1511	Repealed	Nov.	2007	XIII.8501	Amended	Nov.	2006		
	XXXIII.1711	Repealed	Nov.	2007	XV.10701	Amended	Jan.	63		
	XLI.725	Repealed	Jan.	45	XV.25501	Amended	Mar.	588		
	XLV.125,311,404,417	Amended	June	1010	XIX.4334	Amended	Feb.	283		
	XLV.Chapter 40	Amended	Jan.	45	XXI.2101,2105,2107,2301,2303,2501,2503,					
	XLV.6931,6933,6935,6937	Amended	May	915	2701,2703	Amended	Dec.	2162		
	XLV.Chapter 79	Adopted	Mar.	585	XXI.2705	Repealed	Dec.	2162		
	XLV.8001,8003	Adopted	Apr.	771	XXI.8101	Repromulgated	Nov.	2005		
	XLVII.3331	Adopted	Feb.	271	XXI.Chapter 81,Chapter 83,8501,8601,					
	XLVII.3419	Adopted	Feb.	272	8701,8901,8903,9301,9303,9501	Amended	Oct.	1896		
	XLVII.4505,4513	Adopted	Dec.	2154	XXI.8319	Repealed	Oct.	1896		
	LI.107,109,111,115,301,501,503,701,801	Amended	June	1010	XXI.Chapters 137-143	Amended	Jan.	50		
	LI.112	Amended	May	919	XXI.13702,14202	Adopted	Jan.	50		
	LIII.903	Amended	Feb.	275	XXI.13931	Repromulgated	Feb.	282		
	LIII.1129,1130	Amended	July	1244	XXI.13933	Repealed	Jan.	50		
LIV.Chapters 1-3,501	Adopted	July	1244	XXIX.949	Amended	June	1020			
LIV.180,319	Repromulgated	Jan.	49	XXXIII.101,103,301,501,701	Amended	Oct.	1889			
LIV.125,133,143,305,321,355,359,367,371,373	Adopted	Dec.	2157	XXXIII.2101,2301,2303,2501,2701	Amended	Oct.	1892			
LV.101	Amended	Dec.	2169	XXXIII.6103	Amended	June	1014			
LV.101,312,1001,1002	Adopted	Dec.	2169	XXXIII.Chapter 63,6501	Amended	June	1014			
LX.505,3107	Repealed	Dec.	2169	XXXIII.8103,8501,8701	Amended	Oct.	1895			
LXI.Chapters 1-33	Amended	Oct.	1915	XXXIII.Chapters 12101,12303,12501,						
LXI.1309	Amended	Mar.	633	12701,12705,12707	Amended	Oct.	1904			
LXVII.1805	Repealed	Nov.	2007	XXXIII.14101,14301,14303,14501,14701	Amended	Oct.	1890			
LXX.6105,6206,6207,6304,6307	Amended	Mar.	611							
LXX.6312	Repromulgated	Mar.	611	51	I.101	Amended	Apr.	783		
LXXXV.403,1015,1227	Amended	Apr.	770		I.109,120	Adopted	Apr.	783		
LXXXV.1019	Amended	Jan.	44		XII.101,105,107,319	Amended	Feb.	296		
	Adopted	Jan.	44		XII.101,105,319,355	Amended	July	1250		
	Amended	Mar.	587		XII.111-191,201-279	Adopted	Feb.	296		
	Repealed	Mar.	587		XII.302	Adopted	July	1250		
48	I.Chapter 19	Amended	Oct.	1905	52	I.1703	Amended	July	1237	
	I.4001	Amended	Oct.	1894						
	I.4001,4003,4005,4007	Amended	June	1015		55	I.Chapters 5,27	Amended	Jan.	95
	I.Chapter 41	Adopted	Dec.	2159			I.583	Amended	July	1272
	I.5043	Amended	Aug.	1445			I.1101	Amended	Feb.	347

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55	III.108	Adopted	Nov.	2020	61	III.1529	Adopted	July	1272	
	III.113	Adopted	Nov.	2019		V.101,303,304,701,703,907,1103,1307	Amended	Mar.	577	
	III.161	Amended	Nov.	2021		V.706,1504	Adopted	Mar.	577	
	III.337	Adopted	Dec.	2217		V.907,2503	Repromulgated	May	917	
	III.803,805,807,813,815,821,823,829	Amended	Sept.	1631		V.1501,1503,2503,3501	Amended	Mar.	577	
	III.Chapter 21	Adopted	Oct.	1912						
	V.2501,2503,2505,2507,2509,2511,2513,2515,2517,2519,2521,2523,2525,2527,2529,2531,2533,2535,2537,2539,2541,2543,2545,2547,2549,2551,2553,2555,2557,2529	Repealed	July	1254		67	I.201,203	Amended	June	997
	V.2501,2503,2505,2507,2509,2511,2513,2515,2517,2519,2521,2523,2525,2527,2529,2531,2533,2535,2537,2539,2541,2543,2545,2547,2549,2551,2553,2555,2557,2559,2561,2563,2565,2567,2569,2571,2573,2575,2577,2579,2581,2583,2585,2589,2591,2593	Adopted	July	1254		I.301,303,305,307,309,311	Repealed	June	997	
	VI.701	Amended	Oct.	1914		III.301,307,309,313,1209,1229,1987,1988	Amended	Mar.	442	
						III.403	Amended	Jan.	23	
						III.1255,5345	Repealed	Mar.	442	
						III.1999,2103,2107,5307	Amended	Mar.	442	
						III.2514	Amended	Jan.	24	
						III.2523	Amended	Sept.	1590	
				III.Chapter 69	Adopted	Jan.	24			
				V.1101,1111	Adopted	June	997			
				V.1103,1105	Amended	June	997			
				V.1135	Adopted	Jan.	22			
				V.2301	Repealed	Mar.	442			
				V.3501	Amended	Oct.	1856			
				V.3901	Amended	May	908			
				V.3903	Repealed	May	908			
				V.7109,7111,7119	Amended	Nov.	1991			
58	I.1101,1107,1115	Amended	Dec.	2223	70	IX.Chapter 15	Adopted	May	922	
	I.1707	Repealed	Dec.	2223		XI.101	Amended	Feb.	347	
	I.2505,2507,2509,2511,2519	Repealed	Dec.	2223						
	III.301,303	Adopted	Dec.	2224						
III.1901	Adopted	Aug.	1454							
61	I.103	Adopted	Jan.	98	76	I.317	Amended	Apr.	798	
	I.301,302,311	Amended	Sept.	1635		V.130	Amended	May	929	
	I.1115	Adopted	Apr.	785		VII.149	Amended	Feb.	347	
	I.1135,1136	Adopted	Dec.	2218		VII.346	Amended	Jan.	102	
	I.1501	Amended	June	1062		VII.335	Amended	Aug.	1457	
	I.1515	Amended	Sept.	1638		VII.367	Amended	Jan.	100	
	I.1917	Adopted	Nov.	2023		VII.370	Adopted	June	1090	
	I.4301,4404,4408	Amended	Nov.	2022		VII.905	Amended	Aug.	1455	
	I.Chapter 16	Adopted	Nov.	1992		VII.911	Adopted	Aug.	1455	
	I.1915	Adopted	Sept.	1640		XIX.101,103,105,111,113,115,117	Amended	July	1273	
	III.1501	Amended	Sept.	1638						
	III.1503,1505,1507,1509,1530	Adopted	Sept.	1638						

Potpourri

POTPOURRI

Department of Agriculture and Forestry Structural Pest Control Commission

Approved Termiticides and Manufacturers

The Louisiana Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby gives notice of the list of termiticides and manufacturers that have been approved by the Structural Pest Control Commission for use in Louisiana.

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Altriset (Chlorantraniliprole)	100-1503	0.05% - 0.10%	Syngenta
Baseline (Bifenthrin)	279-3177	0.06% - 0.12%	FMC
Bifen XTS (Bifenthrin)	53883-189	0.06% - 0.12%	Control Solutions
Bifen IT (Bifenthrin)	53883-118	0.06% - 0.12%	Control Solutions
Bora-Care (Disodium Octaborate Tetrahydrate)	83465-1-64405	23%	Nisus
Borathor (Disodium Octaborate Tetrahydrate)	81824-8	5.0% - 15.0%	Ensysyex II, Inc.
Centerfire 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Cyper TC (Cypermethrin)	53883-92	0.25% - 1.00%	Control Solutions
Demon MAX (Cypermethrin)	100-1218	0.25% - 1.00%	Syngenta
Dominion PT (Imidacloprid)	53883-237	0.05% - 0.10%	Control Solutions
Dominion 2L (Imidacloprid)	53883-229	0.05% - 0.10%	Control Solutions
Fuse (Imidacloprid / Fipronil)	53883-328	0.067% - 0.13%	Control Solutions
Fuse Foam (Fipronil/Imidacloprid)	87093-5-53883	0.005% & 0.025%	Control Solutions
MasterLine Bifenthrin 7.9 (Bifenthrin)	73748-7	0.06% - 0.12%	Univar
MasterLine B MaxxPro (Bifenthrin)	279-3206-73748	0.06% - 0.12%	Univar
MasterLine I MaxxDual (Imidacloprid)	432-1600-73748	.005% - 0.10%	Univar
MasterLine I MaxxPro WSP (Imidacloprid)	73748-8	0.05% - 0.10%	Univar
MasterLine I MaxxPro 2F (Imidacloprid)	73748-9	0.05% - 0.10%	Univar
Maxxthor SC (Bifenthrin)	81824-5	0.06% - 0.12%	Ensysyex II, Inc.
Navigator SC (Fipronil)	93182-23	0.06% - 0.125%	Gharda Chemicals International
Permethrin SFR (Permethrin)	70506-6-53883	0.50% - 2.00%	Control Solutions
Phantom (Chlorfenapyr)	241-392	0.063% - 0.25%	BASF
Prelude (Permethrin)	5481-550	0.50% - 2.00%	AMVAC
Premise 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Premise 2 (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Foam (Imidacloprid)	432-1391	0.05%	Bayer
Premise Pre-Construction (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Pro (Imidacloprid)	432-1449	0.05% - 0.10%	Bayer
Prothor WSP (Imidacloprid)	82957-2	0.05% - 0.10%	Ensysyex III, Inc.
Talstar P (Bifenthrin)	279-3206	0.06% - 0.12%	FMC
Taurus SC (Fipronil)	53883-279	0.06% - 0.125%	Control Solutions
Tengard SFR (Permethrin)	70506-6	0.50% - 2.00%	United Phosphorus
Termidor Dry (Fipronil)	499-546	0.5%	BASF
Termidor Foam (Fipronil)	499-563	0.005%	BASF
Termidor HE (Fipronil)	7969-329	0.06% - 0.125%	BASF
Termidor HP (Fipronil)	7969-354	0.06% - 0.125%	BASF
Termidor HP II (Fipronil)	7969-400	0.125%	BASF
Termidor SC (Fipronil)	7969-210	0.06% - 0.125%	BASF
Termidor 80WG (Fipronil)	7969-209	0.06% - 0.125%	BASF
Totality (Bifenthrin)	279-3281	0.6%	FMC
Transport (Acetamiprid)(Bifenthrin)	8033-96-279	0.11%	FMC
Transport Mikron Insecticide (Acetamiprid / Bifenthrin)	8033-109-279	0.054% - 0.11%	FMC
UP-Cyde Pro 2.0 EC (Cypermethrin)	70506-19	0.25% - 1.0%	United Phosphorus
Wisdom TC Flowable (Bifenthrin)	5481-520	0.06% - 0.12%	AMVAC

Baits		
Product	EPA Reg. No.	Manufacturer
Advance Compressed Termite Bait II (Diflubenzuron)	499-500	BASF
Isophor Termite Bait (Diflubenzuron)	68850-2	Ensysyex, Inc.
Labyrinth (Diflubenzuron)	68850-2	Ensysyex, Inc.
Labyrinth AC (Diflubenzuron)	68850-2	Ensysyex, Inc.
Recruit AG FlexPack (Noviflumuron)	62719-652	Dow AgroSciences
Recruit IV (Noviflumuron)	62719-453	Dow AgroSciences
Recruit IV AG (Noviflumuron)	62719-454	Dow AgroSciences
Recruit HD (Noviflumuron)	62719-608	Dow AgroSciences
Shatter (Hexaflumuron)	62719-272	Dow AgroSciences
Trelona Compressed Termite Bait (Novaluron)	499-557	BASF
Trelona ATBS Annual Bait Stations	499-557	BASF
Trelona ATBS Direct Bait Kit (Novaluron)	499-557	BASF
Trelona ATBS Direct Bait Stations (Novaluron)	499-557	BASF

Baits		
Product	EPA Reg. No.	Manufacturer
Trelona ATBS Home Monitoring Kit (Novaluron)	499-557	BASF

Mike Strain DVM
Commissioner

1901#064

POTPOURRI

**Department of Children and Family Services
Economic Stability Section**

**Temporary Assistance for Needy Families (TANF)
Caseload Reduction**

The Department of Children and Family Services, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance to Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all State and Federal eligibility changes, as defined at §261.42, made by the State after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the State's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from Federal and State eligibility changes; and
7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Brandy Bonney, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804-9065, by telephone at (225) 342-4096, or via e-mail at brandy.bonney.dcf@la.gov.

Written comments regarding the report should also be directed to Ms. Bonney. These must be received by close of business on February 19, 2019.

Marketa Garner Walters
Secretary

1902#054

POTPOURRI
Office of the Governor
Division of Administration
Office of Facility Planning and Control

Contract Limit Adjustment

Pursuant to authority granted by Act 759 of the Regular Session of 2014, the Office of Facility Planning and Control within the Division of Administration has determined that, effective upon the date of this publication, except as provided in Paragraphs (2) and (3) of R.S. 38:2212(C), the term "contract limit" as used in Chapter 10 of Title 38 (Public Bid Law) shall be equal to the sum of one hundred fifty-seven thousand seven hundred dollars per project, including labor, materials, and equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed fifteen percent. This limit was adjusted after applying the annual percentage increase in the Consumer Price Index in the preceding year.

It is the responsibility of the approving authority to comply with all applicable requirements of R.S. 38:2212 in regards to the "contract limit" as adjusted herein.

Mark A. Moses
Director

1901#004

POTPOURRI

Department of Health
Office of the Secretary

Notice of Public Hearings

The Department of Health (LDH) will hold hearings to receive public comment from any interested person regarding the rules of the agency pursuant to the following schedule.

Date	Rules Subject to Review	Location
9:00 a.m. March 4, 2019	LAC 48:I.Chapters 135-159. LAC 48:V.Chapters 1-83. LAC 48:V.Chapters 87-163. LAC 49 (all chapters). LAC 61:I.§1915. LAC 67:VII.Chapter 3. LAC 67:VII.Chapter 13.	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. March 11, 2019	LAC 48:I.Chapters 41-100. LAC 48:I.Chapter 125.	Bienville Building Room 118 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. March 12, 2019	LAC Title 51 (all chapters).	Bienville Building Room 173 628 N. Fourth St. Baton Rouge, LA
9:00 a.m. March 13, 2019	LAC Title 50 (all chapters).	Bienville Building Room 118 628 N. Fourth St. Baton Rouge, LA

Date	Rules Subject to Review	Location
9:00 a.m. March 21, 2019	LAC 48:I.Chapters 1-40. LAC 48:I.Chapters 101-123. LAC 48:I.Chapter 129. LAC 48:I.Chapters 161-171. LAC 48:I.Chapter 201. LAC 48:III.Chapters 1-9. LAC 48:VII.Chapters 1-9. LAC 48:IX.Chapters 1-15. LAC 48:XI.Chapter 17.	Bienville Building Room 118 628 N. Fourth St. Baton Rouge, LA

At each of the public hearings, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. The agency will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

The hearing site is accessible to people using wheelchairs or other mobility aids. If other reasonable accommodations are required in order to participate in the hearings, please contact the LDH Rulemaking Coordinator at (225) 219-3454 (voice and TTY) at least five business days prior to the scheduled hearing.

Written comments may be submitted to Stanley Bordelon, Statewide Program Manager 1, Office of the Secretary, P.O. Box 629, Baton Rouge, LA 70821-0629. Comments must be postmarked no later than Friday, March 29, 2019.

Parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to Public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH
Secretary

1901#040

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Mid-America Resources Corporation	Sorrento	L	MA ra sua; United Lands	001	225923
Mid-America Resources Corporation	Sorrento	L	United Lands 11 SWD	001	227586
Mid-America Resources Corporation	Sorrento	L	United Lands Co Inc	001	228067
Mid-America Resources Corporation	Clovelly	L	VUA;Pierre J Ducos et al	001	232613
Newport Operators, LLC	Bayou Gerance	L	Harry McNeal	001	98758
Newport Operators, LLC	Bayou Gerance	L	Harry McNeal	002	99806
Newport Operators, LLC	Bayou Gerance	L	Harry McNeal	003	101264
Newport Operators, LLC	Bayou Gerance	L	Harry McNeal	002-D	101358
Progenies Operating LLC	Laurel Ridge	L	10600 RD sua; SL 20712	001	217924
Progenies Operating LLC	Doreyville	L	SL 14720	002	221871
PV of MS Inc	Angie	L	Sub Pilot ra sua; Baughman et al	001	229781
PV of MS Inc	Angie	L	R S Baughman	002	232208
Risher Company, Inc	Locust Ridge	M	McDonald SWD	C-1	59689

Richard P. Ieyoub
Commissioner

1901#023

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