

## CONTENTS

<b>I. EXECUTIVE ORDERS</b>	
BR 89-20—Amends BR 89-12 regarding composition of Louisiana Historical Records Advisory Commission . . . . .	527
BR 89-21—Transfers functions being performed by Division of Administration under an Economic Development Administration grant to Department of Economic Development . . . . .	527
BR 89-22—Transfers particular offices of the former Department of Health and Human Resources (DHHR) to the Department of Health and Hospitals (DHH) and Department of Social Services (DSS) . . . . .	527
<b>II. POLICY AND PROCEDURES MEMORANDA</b>	
Taxable Compensation—PPM No. 73 (LAC 4:V.Chapter 41) . . . . .	528
<b>III. EMERGENCY RULES</b>	
Economic Development Department:	
Economic Development Corporation—Small Business Equity Program-Loan guaranty (LAC 19:VII.719) . . . . .	530
Technology Transfer/Commercialization Grant (LAC 19:VII) . . . . .	530
Venture Capital Match Program (LAC 19:VII.Chapter 3) . . . . .	531
Education Department:	
Board of Elementary and Secondary Education—Appeals for Waivers of Minimum Standards . . . . .	531
Textbook funds to be used for grades K-3 materials . . . . .	533
Tuition Exemption Continuing Education Program . . . . .	534
Vocational Agriculture I and II . . . . .	536
Health and Hospitals Department:	
Office of the Secretary—MAP-Average wholesale price minus 10.5 percent for drugs not subject to multiple source drug limitations . . . . .	536
MAP—Increases prescription drug dispensing fee to \$4 . . . . .	539
MAP—Rehabilitation services for the mentally ill . . . . .	539
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Alligator season . . . . .	541
<b>IV. RULES</b>	
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-Presidential election holiday . . . . .	544
Bulletin 1213-Type “D”-buses mid-range rear engine . . . . .	544
Health and Hospitals Department:	
Board of Examiners of Professional Counselors—Mental health counseling (LAC 46:LX.Chapter 1-9) . . . . .	544
Office of Public Health—Hemophilia Program (LAC 48:V.Chapter 71) . . . . .	545
Office of the Secretary—Child day care center licensing . . . . .	546
Child placing agency licensing . . . . .	546
Bureau of Health Services Financing—Exceptions for facilities with high occupancy . . . . .	546
Facility Need Review Program—down-sizing ICF/MR’s . . . . .	547
MAP-Addition of two drugs to MAC regulations . . . . .	548
Insurance Department:	
Insurance Education Advisory Council—Educational requirements for insurance agents . . . . .	548
Natural Resources Department:	
Office of Conservation—Statewide Order 29-Q-1 . . . . .	551
Hazardous liquids pipeline facilities (PL 89-33) . . . . .	552
Social Services Department:	
Office of Eligibility Determinations—RCA recipients in monthly reporting . . . . .	553
Rehabilitation Services—Proprietary school training . . . . .	553
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Hunting seasons . . . . .	553
Lake Bistineau netting prohibition . . . . .	554
Seizure, forfeiture, disposition of quadrupeds, birds, fish, nets, and equipment . . . . .	554
<b>V. NOTICES OF INTENT</b>	
Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences—Structural Pest Control Commission (LAC 7:XXV.Chapter 141) . . . . .	555
Culture, Recreation and Tourism Department:	
Office of Cultural Development—Guide to Arts Program (LAC 25:I.Chapter 3) . . . . .	561

This public document was published at a total cost of \$5,149.96. 1,100 copies of this public document were published in this monthly printing at a cost of \$3,149.96. The total cost of all printings of this document including reprints is \$5,149.96. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Economic Development Department:	
Board of Architectural Examiners—Review of examination and answers of the Candidate; reversing grades (LAC 46:I.703) . . .	562
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-Adds courses to list of elementary elective/exploratory classes . . .	563
Bulletin 741-Flexible time requirements in scheduling elementary classes . . . . .	563
Bulletin 741-Vocational Agriculture I and II . . . . .	563
Bulletin 746-Certification requirements for principals . . . . .	564
Bulletin 746-Certification requirements for upper elementary teachers . . . . .	564
State Plan for Adult Education (1989-1993) . . . . .	566
Vocational Education State Plan . . . . .	566
Environmental Quality Department:	
Office of Air Quality and Nuclear Energy-Asbestos-Containing materials in schools and public buildings . . . . .	567
Fee schedule listing (LAC 33:III.6523) . . . . .	568
Office of Solid and Hazardous Waste-Hazardous Waste Division—Boiler and industrial furnaces (LAC 33:V.Subpart 1) . . . . .	568
Definitions (LAC 33:V.Subpart 1) . . . . .	569
Office of Water Resources-Water Pollution Control Division—Surface water quality standards (LAC 33:IX) . . . . .	570
Governor's Office:	
Governor's Special Commission on Education Services—Award processing fee . . . . .	571
Property Assistance Agency—Property control (LAC 34:VII) . . . . .	571
Health and Hospitals Department:	
Board of Examiners for Nursing Home Administrators—Use of the Register (LAC 46.XLIX.1613) . . . . .	572
Office of the Secretary, Bureau of Health Services Financing—MAP-LTC reimbursement for private ICF/MR facilities . . . . .	572
ICF/MR - additional intermediate care facility beds . . . . .	573
Natural Resources Department:	
Office of Conservation—Engineering Division—Statewide Order 29-L (Docket 89-306) . . . . .	575
Public Safety and Corrections Department:	
Office of State Police—DWI amendments . . . . .	577
Social Services Department:	
Office of Eligibility Determinations—Individual and Family Grant (IFG) Program . . . . .	578
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Case Management . . . . .	578
Office of the Treasurer—Government Agency Obligations (LAC 64:V.101) . . . . .	580
Time certificates of deposit (LAC 64:V.103) . . . . .	580
<b>VI. LOUISIANA ADMINISTRATIVE CODE UPDATE</b>	
April, 1989 through June, 1989 . . . . .	583
<b>VII. COMMITTEE REPORTS</b>	
Economic Development Department:	
Real Estate Commission—Real Estate Appraisal Sub-Committee-Appraiser Certification Program (House Committee) . . . . .	583
Real Estate Appraisal Sub-Committee-Appraiser Certification Program (Senate Committee) . . . . .	583
Public Safety and Corrections Department:	
Office of Motor Vehicles—License plates removed by dealers . . . . .	584
<b>VIII. POTPOURRI</b>	
Natural Resources Department:	
Office of the Secretary—Public hearing . . . . .	584
Fishermen's Gear Compensation—Claims . . . . .	584

# Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 23rd day of June, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 89-20

Section 1 of Executive Order No. 89-12 dated April 6, 1989 is hereby amended to read as follows:

SECTION 1: The creation of the Louisiana Historical Records Advisory Commission, to be composed of not more than 15 members, for the purpose of collection, management, preservation, and publication of papers of outstanding citizens of the state of Louisiana and other historical papers and documents as may be important for a better understanding and appreciation of the history of the state of Louisiana and of the United States; provided that the state archivist and director of archives, records management, and his history division (Louisiana State Archives) of the Department of State, the state mandated and funded archival and historical agency for the state of Louisiana, shall be an additional ex-officio member of said advisory commission.

IN WITNESS WHEREOF I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 14th day of June, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 89-21

WHEREAS, the state of Louisiana is the recipient of a grant from the United States Department of Commerce, Economic Development Administration under Section 302(a) of the Public Works and Economic Development Act of 1965, as amended; and

WHEREAS, this grant is presently being administered by the Office of the Governor, Division of Administration; and

WHEREAS, those functions presently being administered by the Division of Administration under this grant are functions which should more properly be administered by the Department of Economic Development;

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

SECTION 1: The functions presently being administered by the Division of Administration, under the grant awarded to the state of Louisiana by the Economic Development Administration, together with all personnel and property belonging to said grant and the funding associated therewith, shall be transferred in its entirety from the Division of Administration to the Department of Economic Development effective for the 1989-90 fiscal year.

## EXECUTIVE ORDER BR 89-22

WHEREAS, Act 1 of the First Extraordinary Session (hereinafter referred to as Act 1), as amended by 858 of the 1988 Regular Session (hereinafter referred to as Act 858) abolished the Department of Health and Human Resources (DHHR) and created in its stead the Department of Health and Hospitals (DHH) and the Department of Social Services (DSS), and

WHEREAS, the legislature recognized with the enactment of Act 1 as amended by Act 858 that the transfer of some agencies formerly within the Department of Health and Human Resources to the Department of Health and Hospitals and the Department of Social Services would require a period of transition, but that said transfers would have to be completed not later than July 1, 1989; and

WHEREAS, in order to provide for an orderly transfer of agency functions and responsibilities during the authorized transition period, Act 1 as amended by Act 858 created a Policy Coordinating Council to determine workable transition plans to transfer programs and functions to the Department of Health and Hospitals and the Department of Social Services, such plans to include detailed procedures for realignment, distribution assignment, consolidation and coordination of agencies, programs and functions, procedures for the transfer and utilization of positions, personnel, funds, office space, facilities and equipment, and any other details as necessary to effectuate the purposes of Act 1 as amended by Act 858; and

WHEREAS, Act 1 as amended by Act 858 authorized the Policy Coordinating Council to certify to the governor that the procedures of such a plan had been completed with respect to the transfer of particular agencies, programs or functions whereupon the governor by executive order could authorize the full implementation of the transfer of agencies, programs and functions of the Department of Health and Hospitals and the Department of Social Services; and

WHEREAS, the Policy Coordinating Council certified to me in November of 1988, that procedures for a plan to transfer some but not all agencies, programs or functions to the Department of Social Services have been completed, which certification led to promulgation of Executive Order No. BR 88-48; and

WHEREAS, the Policy Coordinating Council has now certified to me that procedures for a final plan to complete the transfer of all remaining agencies, programs and functions of the former Department of Health and Human Resources to the Department of Health and Hospitals and the Department of Social Services has now been completed and that a memorandum of understanding has been signed by the secretary of the Depart-

ment of Health and Hospitals and the secretary of the Department of Social Services which sets forth the specific agreements reached on the ongoing administrative operations of the two departments.

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

SECTION 1: All functions, duties and responsibilities of the executive office of the secretary and the office of management and finance of the former Department of Health and Human Resources are hereby transferred to the executive offices of the secretary of the Department of Health and Hospitals and the Department of Social Services and the offices of management and finance of the Department of Health and Hospitals and the Department of Social Services in the manner provided for in the memorandum of understanding signed by the secretaries of the Department of Health and Hospitals and the Department of Social Services on June 22, 1989. All positions, personnel, funds, office space, facilities, equipment, books, papers, records, money, actions and other property of every kind, movable or immovable, real and personal heretofore possessed, controlled or used by the various offices, bureaus, divisions, sections, and units in the executive office of the secretary and the office of management and finance of the former Department of Health and Human Resources are hereby transferred to the respective offices, bureaus, divisions, sections and units in the Department of Health and Hospitals and the Department of Social Services which assume functions of the offices, bureaus, divisions and units of the former Department of Health and Human Resources, as set out in the memorandum of understanding, and specifically with regard to positions and personnel as set out in the position listing.

SECTION 2: Nothing herein shall prevent the secretaries of the Department of Health and Hospitals and the Department of Social Services from amending the memorandum of understanding and the position listing as provided for in the memorandum of understanding and to the extent authorized by law or Civil Service rules.

SECTION 3: This order shall supersede and rescind all prior executive orders not inconsistent herewith.

SECTION 4: This order shall be effective on July 1, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of June, 1989.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDUM

Office of the Governor  
Division of Administration

### Title 4

### ADMINISTRATION

### Part V. Policy and Procedure Memoranda

### Chapter 41. Taxable Compensation -- PPM No. 73

#### §4101. Purpose and Scope

A. The purpose of this memorandum is to establish a policy for the reporting of all taxable compensation provided to employees, withholding of applicable amounts to meet the employee's tax liability associated with the taxable compensation, to provide guidelines for establishing a value for taxable compensation and to provide guidelines for inclusion or exclusion of fringe benefits as taxable compensation.

B. All boards, commissions, departments, agencies, institutions and offices of the executive branch of state government shall comply with this memorandum.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### §4103. Definitions

For purposes of this memorandum the following definitions shall apply.

A. *Compensation* - includes wages, salaries, bonuses, tips, commissions, fringe benefits, termination or severance pay, commission per diem and any and all similar items.

B. *Fringe Benefits* - meals, lodging, allowances, vehicle personal usage, moving expenses, etc.

C. *Fair Market Value (FMV)* - that amount of compensation that would be paid between unrelated third parties to obtain a service or benefit.

D. *Tax Liability* - includes federal and state tax withholding, FICA and Medicaid withholding and any penalty or interest payment due as a result of noncompliance.

E. *Inkind* - noncash compensation, may include meals, lodging, vehicle personal use, moving expenses, etc.

F. *Taxable Compensation* - all compensation items not excludable as income under a specific IRS Code Section.

G. *Reimbursed Expenses* - items of expenditure incurred by an employee in the performance of his job.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### §4105. Policy

A. It shall be the policy of the state of Louisiana to report all taxable compensation and withhold all applicable taxes for such compensation as required by the Internal Revenue Code on each scheduled pay period.

B. Effective July 1, 1989 for calendar year 1989 and for each calendar year thereafter, all taxable compensation shall be reported and a withhold of applicable taxes shall be processed each pay period. For the period of January 1, 1989 through June 30, 1989 all taxable compensation not reported on a pay



period basis shall be included on the employee's Form W-2 Wage and Tax Statement for calendar year 1989.

C. Applicable taxes for taxable compensation received in the form of cash during the period of January 1, 1989 through June 30, 1989 must be withheld during calendar year 1989.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### **§4107. Reporting Requirements**

A. Each board, commission, department, agency, institution or office must develop a plan each fiscal year delineating those conditions under which an employee shall receive any compensation other than salary, wages, per diem for board members and those benefits provided by the State Employee Group Benefits Program and the various retirement systems. The plan must include the specific employee receiving the compensation, the valuation method of the compensation, the value of the compensation and any reason the compensation is partially or fully nontaxable to the employee. Such plan shall be submitted for approval to the commissioner of administration by September 1, 1990, and each September 1, thereafter.

B. Department heads who fail to adequately value, report, or withhold applicable taxes for compensation provided employees shall be responsible for payment of any tax liability from the avails of the respective budget units' appropriations.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### **§4109. Reimbursed Expenses**

Payments to employees in accordance with General Travel Regulations - PPM No. 49 for reimbursement of actual business travel expenses shall be treated as a noncompensation item.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### **§4111. Employment Contracts**

For purposes of computing taxable compensation, the provisions of an employment contract, or state law fixing the terms of employment cannot be considered in determining if fringe benefits are intended as compensation.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### **§4113. Valuation Method**

The general valuation rule will be FMV. Taxable cash compensation items, regardless of source, are to be reported and withheld at the dollar value paid. Taxable in-kind noncash compensation, including fringe benefits, are to be included at FMV of the property transferred, excluding any payment offsets at the time of the transfer, unless excludable or adjusted under a specific Internal Revenue Code Section. There is no taxable compensation if the employee pays 100 percent of the FMV of the benefit.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

#### **§4115. Evaluation Tests for Exclusion from Taxable Compensation**

The general rules of evaluation to be used in determining if and when a fringe benefit is exempt from inclusion as taxable compensation are as follows:

##### **A. Meals**

1. The value of meals furnished to an employee by and on behalf of the state, will be excludable from the employee's gross compensation if two tests are met:

a. the meals are furnished on the premises of the employer; and

b. the meals are furnished for the convenience of the employer.

2. Meals furnished by the state without charge will be considered furnished for the convenience of the employer if the meals are furnished for substantial noncompensatory business reasons of the state rather than as a means of providing additional compensation to the employee.

3. On the premises will be interpreted to mean either:

a. quarters that constitute an integral part of the business property; or

b. premises on which the entity carries on some of its business activities.

##### **B. Lodging**

1. The value of lodging furnished to an employee by or on behalf of the state will be excluded from the employee's gross income, if three tests are met:

a. the lodging is furnished on the business premises of the employer;

b. the lodging is furnished for the convenience of the employer; and

c. the employee is required to accept such lodging as a condition of his employment.

2. The third requirement means that the employee must be required to accept the lodging on the business premises in order to enable him to properly perform the duties of his employment, which in turn will mean that the lodging is furnished because the employee is required to be available for duty at all times or because the employee could not perform the services required of him unless he was furnished such lodging.

3. On the business premises will be interpreted to mean either:

a. living quarters that constitute an integral part of the business property; or

b. premises on which the entity carries on some of its business activities.

4. Ownership or control by the state of the premises furnished is not a test criterion.

5. Lodging includes utilities and associated related items such as lawn maintenance, maid service, etc. The value of utilities, etc., furnished to the employee for the convenience of the state is excludable, unless the employee contracts directly with the utility, etc., for the service.

##### **C. Transportation**

1. The value of personal use of a state vehicle must be included as taxable compensation.

2. The value for use of a state vehicle for commuting purposes shall be a flat \$1.50 per one way commute trip (\$3 per day for round trip) if the following conditions are met:

a. the vehicle is owned or leased by the state and is provided for and used for state business;

b. for bona fide noncompensatory business reasons, the state requires the employee to commute to and from work in the vehicle;

c. the department, agency, etc., has a written policy which disallows personal use of the vehicle by the employee, or any individual whose use would be taxable to the employee, except for de minimus personal use such as a lunch stop between business meetings;

d. neither the employee nor any individual whose use would be taxable to the employee uses the vehicle for any personal purposes other than commuting and de minimus personal use; and

e. the employee using the vehicle is not a control employee as defined in Temporary Regulations §1.61-2T(f)(5), (6).

3. For valuation of personal use of a vehicle for those employees who use a state vehicle to commute, but do not meet the conditions enumerated above and those employees who have personal use of other modes of transportation alternative valuation methods are available in the Internal Revenue Code and regulations.

4. The alternative valuation methods, including the cents-per-mile rule or lease valuation method, may be utilized only upon prior approval of the commissioner of administration.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 15: (July 1989).

Dennis Stine  
Commissioner of  
Administration

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Economic Development Corporation

The Department of Economic Development, Louisiana Economic Development Corporation, is exercising the emergency provision of the Administrative Procedure Act. R.S. 49:953B, to amend the rules of the Small Business Equity Program, Loan Guaranty Program.

The Board of Directors of the Louisiana Economic Development Corporation, at the June 28, 1989 board meeting, determined that the rule changes and additions are necessary to better implement the programs and purposes of the Louisiana Economic Development Corporation. These programs and purposes, by helping to build or create jobs, will have a beneficial effect on the health and welfare of the citizenry of Louisiana. Therefore, this request is made that the amendments be accepted as emergency rules effective June 28, 1989, as approved by the Board of Directors of the Louisiana Economic Development Corporation.

### Title 19 CORPORATIONS AND BUSINESS Part VII. Louisiana Economic Development Corporation Subpart 3. Small Business Equity Program

#### Chapter 7. Loan Guaranty Program

#### §719. Guaranty Agreement

A. - G. . . .

H. Escrowed funds shall be maintained in a manner ap-

proved by LEDEC in an amount equal to the balance of the amount guaranteed.

I. Repeal.

Arnold M. Lincove  
Secretary

## DECLARATION OF EMERGENCY

### Department of Economic Development Economic Development Corporation

The Department of Economic Development, Louisiana Economic Development Corporation, is exercising the emergency provision of the Administrative Procedure Act. R.S. 49:953B, to add rules for the Technology Transfer/Commercialization Grant Program effective June 28, 1989. These rules establish procedures for administering the Technology Transfer/Commercialization Grant Program as authorized by Act Number 888 of the 1988 Legislature.

The Board of Directors of the Louisiana Economic Development Corporation, at the June 28, 1989 board meeting, determined that the rule changes and additions are necessary to better implement the programs and purposes of the Louisiana Economic Development Corporation. These programs and purposes, by helping to build or create jobs, will have a beneficial effect on the health and welfare of the citizenry of Louisiana. Therefore, this request is made that the above be accepted emergency rules effective June 28, 1989, as approved by the Board of Directors of the Louisiana Economic Development Corporation.

### Title 19

### CORPORATIONS AND BUSINESS

#### Part VII. Louisiana Economic Development Corporation Technology Transfer/Commercialization Grant Program

#### ELIGIBILITY

Any Louisiana chartered and headquartered, not for profit business (applicant), granted tax-free status under United States Internal Revenue Code, Section 501 (c) (3), among whose main services is the commercialization of technologies and developments emerging from Louisiana's universities, industrial and private laboratories and businesses. The business (applicant) must be organized to provide services on a statewide basis and must show evidence of affiliation with both public and private universities. The applicant must not be organized and intended to primarily benefit one university, or one university system. The applicant must be organized with significant involvement of the public, private and academic communities in Louisiana. The applicant must have a net fund balance exceeding \$250,000.

#### APPLICANT MANAGEMENT

The management of the applicant must have five or more years of experience in the management of an organization involved in the commercialization of technology. Management must have been directly involved in the structuring and negotiation of commercialization arrangements. Management must have experience in the commercialization of technologies through an

organization other than the organization originally developing the technology.

#### APPLICATION PROCEDURE

Weight will be given to those applicants who can demonstrate an ability to assist Louisiana technology-driven businesses in successful commercialization. Each applicant must submit a business plan that includes, but is not limited to the following:

1. resumé of key management personnel,
2. current financial information and pro forma operating statements,
3. strategy for effective operations,
4. methodology for identification and commercialization of potential technologies,
5. a grant request not exceeding \$2 million,
6. use of proceeds,
7. sources of revenue,
8. long term financial plan.

#### REPORTING REQUIREMENTS

The applicant shall provide the Louisiana Economic Development Corporation with a financial audit performed by a qualified CPA, and, at the minimum, semi-annual written summary of the activities, to be reviewed by the Corporation Board of Directors for each of the five fiscal years immediately subsequent to the approval of the grant request. The Louisiana Economic Development Corporation shall have full access to the financial records of the applicant during normal business hours.

#### INACTIVITY

If, during the five years immediately subsequent to grant approval, for any reason, an applicant receiving a grant under this program shall be determined by the LEDEC to be dormant, or if the applicant, during this period, ceases, in the opinion of the LEDEC, to carry out the mission represented in the grant request, the corporation may rescind the grant or take such other steps to recover grant funds as it may, in its sole discretion, determine to be appropriate.

Arnold M. Lincove  
Secretary

### DECLARATION OF EMERGENCY

#### Department of Economic Development Economic Development Corporation

The Department of Economic Development, Louisiana Economic Development Corporation, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to amend the rules of the Louisiana Venture Capital Program, Louisiana Venture Capital Match Program.

The Board of Directors of the Louisiana Economic Development Corporation, at the June 28, 1989 board meeting, determined that the rule changes and additions are necessary to better implement the programs and purposes of the Louisiana Economic Development Corporation. These programs and purposes, by helping to build or create jobs, will have a beneficial effect on the health and welfare of the citizenry of Louisiana. Therefore, this request is made that the amendments be accepted as emergency rules effective June 28, 1989, as approved by the Board of Directors of the Louisiana Economic Development Corporation.

### Title 19 CORPORATIONS AND BUSINESS

#### Part VII. Louisiana Economic Development Corporation

#### Subpart 2. Louisiana Venture Capital Program

#### Chapter 3. Louisiana Venture Capital Match Program

#### §301. Eligibility

Any Louisiana organized and based Venture Capital Fund with a minimum of \$5,000,000 of privately raised capital for equity investment under management may apply. For purposes of this program, "organized and based" means the venture capital applicant is registered with the Secretary of State's Office and that it maintains a staffed office in Louisiana where investments may be initiated and closed.

Arnold M. Lincove  
Secretary

### DECLARATION OF EMERGENCY

#### Board of Elementary and Secondary Education

Revised Procedures for Appeals to BESE  
for Waivers of Minimum Standards

The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and adopted the revised procedures for appeals to the Board of Elementary and Secondary Education for waivers of minimum standards, developed by the department and board staffs. (The policy numbers in the procedures refer to numbers in the board's Policy and Procedure Manual.) Effective date of implementation of this revised procedure is to be September 1, 1989.

This emergency adoption is necessary in order to have the procedure in place by the implementation date of September 1, 1989.

Revised Procedures for Appeals to BESE  
for Waivers of Minimum Standards

Delete PPM 1.00.30a (Teacher Certification Appeals Council) and PPM 3.01.70.d (Teacher Certification Appeals) and insert a new PPM 1.00.40 to read as follows:

1.00.40 Procedures for Waivers of State Minimum Standards  
1.00.40.a Appeals Bodies

The president of the state board shall appoint ad hoc committees and advisory councils and designate standing committees to serve as appeals bodies which shall have the responsibility to:

1. review requests for waivers of minimum standards;
2. review controversies concerning personnel actions including the revocation of any teaching or school personnel certificate issued under Bulletin 746 and, at vocational-technical and special schools, reductions in force and tenure hearings;
3. consider other appeals and grievances requiring board action prior to further proceedings by the appellant, and
4. make recommendations to the full board for final action.

1.00.40.b Procedures for Waivers of Bulletin 741 Standards

1. The superintendent of the school system requesting deviation of any standard in Bulletin 741 shall submit documentation to the State Department of Education justifying the request.

2. Technical assistance for meeting the standard as stated in Bulletin 741 shall be provided to the local system by the State Department of Education.

3. When a deviation cannot be corrected by technical assistance, the department may consider a waiver of a standard using the guidelines in 1.00.40.c below.

4. The department will report to the appropriate board committee bi-annually on the waivers that have been granted.

5. Requests that do not meet BESE approved guidelines for administrative action shall be submitted by the state superintendent of education to the appropriate board committee with an executive recommendation for action.

6. The agenda of the appropriate board committee shall have a standing item for submission of reports from the state superintendent required in Paragraph 5 above.

1.00.40.c Guidelines for Administrative Waivers of Bulletin 741 Standards by the State Department of Education.

A. Waivers for class size/ratios

Waivers in the following categories will be considered only when the citation would place the school in an approved probational category.

1. Class Size Waivers

The department may waive class size requirements up to two students over the maximum allowable on receipt of the following:

a. a letter from the local superintendent detailing each class that exceeds the class size;

b. documentation from the principal and the superintendent showing how efforts have been made to comply with standards; and

c. a copy of the school's master schedule with class sizes included.

Class sizes above the limit of two will go directly to the appropriate board committee with an executive recommendation from the department.

2. Guidance/Librarian Ratios

The department may waive the required guidance and librarian ratios on receipt of the following:

a. a letter of justification from the local superintendent;

b. a list of all administrative personnel in the school (part-time and full-time); and

c. a detailed plan stating how the services will be provided to students.

B. Waivers for Deadlines

1. Electives and Alternative School Programs

A letter must be provided by the local superintendent specifying the reasons the deadline was not met.

2. Programs of Studies/Time Requirements

A letter must be provided by the local superintendent justifying the request.

1.00.40.d Procedures for Administrative Action on Certification Appeals.

Certification appeals generally fall into several categories. These categories are listed below with guidelines for handling each area by the Bureau of Teacher Certification.

I. Reemployment on Temporary Certificate or Under Circular 665

A. Appeal Requested

1. Reissuance of a temporary certificate when the six-

hour requirement is not met, and

2. Reemployment under Circular 665 when the six hours and the NTE requirements are not met.

B. Guidelines

A temporary certificate may be reissued or reemployment under Circular 665 may be permitted when one or more of the following conditions are met:

1. Medical Excuse

When serious medical problems of the teacher or immediate family in the same household exist, a doctor's statement is required with a letter of assurance from the superintendent and teacher that the hours will be earned and/or the NTE will be taken if applicable.

2. Required Courses not Available

A letter or verification from area universities is required stating that the required courses are not being offered.

3. Change of School, Parish or School System

A justification letter from the superintendent is required. Reissuance is permitted only if the change is not part of a continuous pattern.

4. Change of Certification Areas

A letter of justification from the superintendent is required to explain the new job assignment with assurance that the requirements for the next temporary certificate or employment under Circular 665 will be met.

5. Courses not Applicable Toward Certification

A letter of justification from the superintendent is required with assurance that the teacher will become enrolled in the proper program.

II. Renewal of An Expired Certificate

When a certificate has expired and six semester hours of refresher credit must be earned for renewal, the Bureau of Teacher Certification may issue a temporary certificate on the request of an employing authority. The teacher will have one year to earn six semester hours for renewal of a standard certificate.

III. Certification of Out-of-State Graduates

A. Certification of out-of-state graduates requires the following:

1. completion of a state approved teacher education program;

2. student teaching;

3. certificate from the state;

4. NTE scores.

B. Appeal Requested and Guidelines

1. Certification of out-of-state graduates when teacher education program was not completed: Applicants may be certified based on a certificate from another state, student teaching or three years of teaching experience, and the appropriate Louisiana NTE scores.

2. Certification of out-of-state graduates who have not completed student teaching (required after September 1975): Applicant may be certified based on a teaching certificate from another state, three years of teaching experience, and the appropriate Louisiana NTE scores.

3. Certification of out-of-state graduates who lack certificate from state in which program was completed: Applicant may be certified based on completion of a state approved teacher education program, student teaching or three years of teaching experience and the appropriate Louisiana NTE scores in lieu of the out-of-state test if it is the only deficiency preventing the applicant from gaining a certificate from that state.

IV. Waiver of Practicum and Student Teaching Require-

ments When all Coursework is Completed

A. Appeal Requested and Guidelines

1. Waiver of practicum requirements: (a) Practicum requirements may be waived with three years of experience in the appropriate area if all other coursework is completed, or (b) a temporary certificate may be issued if all academic requirements have been met. This will allow the teacher to continue his/her present position while gaining the necessary experience to apply for the waiver.

2. Waiver of student teaching when state approved program is completed: Student teaching may be waived when the applicant has had three years of experience in the area and has the approval of the dean of education where the program is being completed. This will be granted only if all coursework has been completed.

V. Miscellaneous

A. Appeal Requested and Guidelines

1. Certification of Louisiana teacher education graduates whose applications were not submitted prior to 9/15/78: Applicant may be certified if all requirements for standard certification were met at an approved institution in Louisiana prior to 9/15/78.

2. Certification without the NTE: Applicant can appeal only if the Bureau of Higher Education and Teacher Certification states that there are circumstances that warrant the appeal.

1.00.40.e Teacher Certification Appeals Council

A. Composition

A Teacher Certification Appeals Council shall be appointed by the board and shall consist of five members, two of whom shall be university personnel proficient in transcript evaluation; two of whom shall represent professional personnel certified under Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, and one of whom shall be a member of the State Advisory Commission on Teacher Education and certification recommended by the commission and approved by the board.

B. Duties and Responsibilities

1. The Teacher Certification Appeals Council shall perform the following duties:

a. Evaluate the appeals of persons seeking Louisiana certification under the standards in Bulletin 746, *Louisiana Standards for State Certification of School Personnel* whose appeals cannot be processed according to the guidelines in PM 1.00.40.C (above).

b. Submit a written record of its findings and recommendations to an appeals committee composed of board members for its review and recommendations to the full board.

2. The responsibilities of the Teacher Certification Appeals Council shall be to:

a. Evaluate the appeals documents, including the transcripts of appellants, for consideration of Bulletin 746 (minimum requirement) waivers;

b. Hear oral testimony from appellants, their witnesses, and SDE personnel at the time of the credentials review;

c. Make recommendations to the appeals committee on waivers of minimum certification standards, including student teaching and course work.

3. The Appeals Council in the absence of mitigating circumstances shall not be required to consider appeals of persons who: (a) are nondegreed, (b) lack the required NTE scores, (c) are enrolled in university alternative programs.

1.00.40.f Certification Appeals Procedures

Procedures for state level review of certification appeals in

all categories and classifications shall be as follows:

A. Process

1. The applicant for certification must submit his request for certification to the Bureau of Teacher Certification and Higher Education, State Department.

2. On denial of certification by the Bureau of Teacher Certification, the person denied must request an appeal application form from the State Board of Elementary and Secondary Education.

3. The state board office on receipt of the required appeals documentation from the appellant, will submit all original and official documents to the Bureau of Teacher Certification for a transcript and employment evaluation.

4. The Bureau of Teacher Certification then returns the evaluation form to the state board office.

5. The state board office will submit all documentation to the Teacher Certification Appeals Council for its review prior to the scheduled hearing.

6. The appellant, thereafter, receives notification of the hearing and the right to appear.

7. The Teacher Certification Appeals Council will meet to review the appellant's credentials. The appellant may or may not attend the reviewing process. Failure to appear will not affect the reviewing process; however, no other opportunity shall be given to the appellant to offer testimony.

8. The Teacher Certification Appeals Council will submit its written recommendations and all of the appellant's documentation to an appeals committee composed of board members.

9. The appeals committee will review only the records submitted by the Teacher Certification Appeals Council, and will consider each recommendation in the report, whether it be an approval, a denial, or deferral or other action, with no additional testimony being heard.

10. The appeals committee, as a result of its records review, may uphold the recommendations of the Teacher Certification Appeals Council in whole or in part; it may deny in whole or in part; it may remand the appeal to the council for further review.

11. The appeals committee will submit its written recommendations to the full board.

12. The Board of Elementary and Secondary Education will take final and official action on all appeals based on a review of the records from the appeals bodies. The appellant will be notified of final board action.

13. All appeals shall be processed in a timely manner in accordance with the monthly schedule of board activities.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Guidelines to Allow State Textbook Funds to be Used to Purchase Instructional Materials for Grades K-3

The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and adopted the following guidelines

to allow state textbook funds to be used to purchase instructional materials for Grades K-3 as recommended by the Department of Education:

1. For classes K-3, the school superintendents are authorized to use textbook funds to purchase textbooks and other materials that can be used to support the instruction in these four elementary grades (K-3)

2. The major emphasis in selecting instructional materials for K-3 should be on manipulative and concrete materials such as blocks, dramatic/housekeeping toys, manipulatives (puzzles, legos, etc.), gross motor materials (jump ropes, balls, etc.) and other manipulative materials.

3. The characteristics and needs of the child in grades K-3 should be considered when selecting appropriate materials. (Examples on file in the office of the Board of Elementary and Secondary Education)

This emergency adoption is necessary in order to have the guidelines in place for the beginning of the 1989-90 school year.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Revised Regulations for the Tuition Exemption  
Education Program for Teachers

The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved the following revised Tuition Exemption Continuing Education Program for Teachers.

Tuition Exemption Continuing Education Program For Teachers  
Department of Education

#### I. INTRODUCTION

The Louisiana Legislature, during the regular session of 1986, passed Act 1010 (R.S. 17:7.3 (a) and (c). This statute provides for a continuing education program at Louisiana colleges and universities under which four-year degreed teachers may take courses in their teaching areas. The Teacher Tuition Exemption Program is funded through the Louisiana Quality Education Support Fund 8(g). Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, telephone (504) 342-3414.

#### II. APPLICATION FORMS

##### A. DISTRIBUTION

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

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

-Participating schools receive forms from either the parish or city school board office.

-Participating applicants obtain forms from either the employing school or school board office. Regulations are to be

posted and disseminated to the teachers at the employing school.

#### B. COMPLETION

-Read the directions on the application.

-Complete Section I and sign.

-Have the employing authority complete Section II and sign.

-Have the university official complete Section III and sign.

-Present the application to appropriate university officials.

(You must inquire at the Registrar's Office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

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

#### III. DEADLINES

##### A. APPLICATIONS AND COURSES

###### 1. Regular Semester or Quarter

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

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

###### 2. Summer Session

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

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

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

##### B. UNSUCCESSFULLY COMPLETED COURSES

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

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

#### IV. ELIGIBILITY

##### A. PARTICIPANTS

Any full-time, four-year degreed, elementary or secondary classroom teacher who is regularly employed or on approved leave from a state-approved public or non-public elementary or secondary school, listed on the annual school report as a member of the faculty of a state-approved public or non-public elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible. For purposes of this Program only, "teacher" does not include Assessment Teacher; School Psychologist or other ancillary personnel who do not hold Louisiana Teaching Certificates; Administrator; Supervisor; or non-degreed VTIE personnel.

##### B. COLLEGES AND UNIVERSITIES

Tuition reimbursement shall be limited to the following Louisiana colleges and universities:

Delgado College  
Grambling State University  
Louisiana State University/Alexandria  
Louisiana State University/Baton Rouge  
Louisiana State University/Eunice  
Louisiana State University/Shreveport  
Louisiana Tech University  
McNeese State University  
Nicholls State University  
Centenary College  
Dillard University  
Louisiana College  
Loyola University

Northeast Louisiana University  
Northwestern State University  
Southeastern Louisiana University  
Southern University/Baton Rouge  
Southern University/New Orleans  
Southern University/Shreveport  
University of New Orleans  
University of Southwestern Louisiana  
Our Lady of Holy Cross College  
Tulane University  
Xavier University

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

### C. COURSES

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

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

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

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

- a. tests and measurements;
- b. educational psychology;
- c. educational research (how to do research);
- d. curriculum and instruction;
- e. philosophy of education;
- f. statistics (educational);
- g. history of education.

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

\* 6. Media courses which are live interactive courses are approved for teacher tuition exemption. The courses must be for three hours of graduate college credit approved by the university or college Governing Board. The Department of Education requires that a course outline be provided to the Bureau of Continuing Education prior to Department of Education teacher tuition exemption approval.

### D. TUITION

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

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

3. Public and nonpublic teachers are eligible to receive a waiver for tuition (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to

but not greater than the highest tuition charged by a public college or university in this state.

### V. INELIGIBILITY

Reimbursement shall not be paid on the following:

1. courses that are not successfully completed by the end of the semester or quarter;

2. non-credit courses or audit courses;

3. non-instructional credit courses such as examination courses;

4. courses in theology or divinity;

\*\*5. Courses in administration or supervision (Supervision of Student Teaching only if deemed a critical shortage area by the city/parish superintendent);

6. correspondence courses;

\*\*7. dropped, failed, or incomplete courses;

NOTE: If, within 60 days after the close of the semester, the "I" is removed, no payment of tuition will be demanded. The student will be responsible for providing to the Bureau of Continuing Education written verification including the student's name, address, social security number and grade from the Office of the Registrar that the "I" has been removed within the designated time:

8. courses for which application forms were submitted to the university past the deadline date;

9. courses for which application forms were incomplete or inaccurate;

10. courses for applicants who are declared ineligible to participate;

11. courses for which funds are not appropriated;

12. courses for applicants who are receiving retirement funds from a state retirement system;

13. courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the State's Colleges and Universities;

14. course taken by independent study;

15. courses for which the participant is not eligible under these guidelines;

16. courses involving infractions of the tuition exemption regulations or university policy;

17. courses taken by teachers who are in default to the state of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985, or the present Tuition Exemption Program.

\* NOTE: Indicates a revision in the regulations other than editorial.

### VI. APPEALS

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial from the university.

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

### VII. COLLEGE AND UNIVERSITY PROCEDURES

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

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

\* \*C. Each college and university shall submit to the Department of Education, on the tenth day of class of each Fall and Spring session, an invoice equal to one-half of the amount of tuition assessed for an on-campus course times the number of applications submitted to that university. As soon as possible after the close of the semester, the college/university shall submit a final billing together with an alphabetical list of the names and addresses of applicants who received a W, F, or I grade. Invoicing for the Summer Session is covered in the following Paragraph "D".

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

This emergency adoption is necessary in order that the revised regulations will be in place for the fall semester.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Vocational Agriculture I and II

The State Board of Elementary and Secondary Education, at its meeting of June 22, 1989, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an amendment to the Minimum Requirements for High School Graduation (Bulletin 741) to accept Vocational Agriculture I and II as satisfying one required unit in Science.

This amendment was adopted as an emergency rule in order to be in place for the 1989-90 school year.

Em Tampke  
Executive Director

## DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing, has exercised the

emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, dated July 31, 1987, Pages 28648 - 38658. Under these regulations reimbursement for prescription drugs was divided into two groupings: Multiple Source Drugs for which a Federal Upper Limit was established; and Other Drugs. Under this regulation the state agency incorporated Federal Upper Limits into its existing "lower-of" reimbursement methodology. The state agency also retained its reimbursement methodology for drugs included in the "Other Drugs" category. Reimbursement for drugs in this category was based on the lower of:

- Louisiana Maximum Allowable Cost (LMAC) limits on multiple source drugs;
- Average Wholesale Price (AWP) for the drug product subject to expanded package size limitations; and
- Usual and customary charges to others.

Following submittal of the state's reimbursement methodology to the Health Care Financing Administration (HCFA) the state was notified the continued utilization of AWP in setting reimbursement for "Other Drugs" was unacceptable in light of "overwhelming evidence" that providers do not pay AWP for drugs purchased. The state agency appealed this decision and was notified on June 16, 1989 that the administrator of HCFA had upheld the disapproval of Louisiana's methodology making the following findings:

"The administrator has reviewed the entire prescription drug reimbursement plan proposed in Plan Amendment No. 87-33. There are features in this plan which properly constrain Medicaid drug reimbursement costs. The state's LMAC program has been, and continues to be, a significant factor in keeping total costs in line. There was evidence in the record that the LMAC program accounted for 56 percent of all drug claims reimbursed by the state."

"However, all of the drugs subject to LMAC are multiple-source drugs. Other multiple-source drugs are subject to the federal MAC, set up under 42 CFR 447.332. EAC would still serve as the primary cost screen for all single source drugs. This is the crux of the issue in this reconsideration - the effectiveness of EAC for those drugs subject to it."

"Reimbursement for all drugs, except those subject to the federal MAC, would be subject to the additional limitation of the usual and customary charge made to the general public. This is a regulatory requirement at 42 CFR 447.331(b). However, when this limitation is frequently used because the retail prices are lower than the average wholesale price (AWP) plus a dispensing fee, there is a further indication that the unmodified AWP is in excess of the providers' acquisition cost.<sup>127</sup>"

"The LMAC and the usual customary charge limitation are commendable features of the state's proposed plan. However, the plan would be more economical and efficient if the EAC did not rely upon an unmodified AWP." (Footnote omitted)

The Bureau of Health Services Financing has been orally advised by HCFA Region VI personnel that without specific findings of what price participating pharmacies are paying for prescription drugs, reimbursement of single source drugs based upon compendia data cannot be approved unless such data is reduced by a minimum of 10.5 percent.

To prevent the disallowance of federal funding effective



July, 1989, for Pharmacy Services, the Bureau of Health Services Financing is required to submit a new reimbursement methodology for prescription drug services immediately.

Under this rule the agency is expanding its definition of "Estimated Acquisition Cost" for "Other Drugs" to include an additional "lower-of" limitation. This limitation establishes AWP-10.5 percent as the maximum reimbursement for "Other Drugs" not subject to, or exempt from LMAC and Federal Upper Limits. This change is mandated to comply with HCFA's final ruling on Louisiana drug reimbursement and mandatory federal regulations. This rule shall become effective July 1, 1989.

#### Rule

Prescription Drugs are reimbursed as follows:

### I. Methods of Payment

Maximum and minimum payment rates for medications - pharmacy or dispensing physician are as follows:

#### A. Maximum Pharmaceutical Price Schedule

The maximum payment by the agency for a prescription shall be no more than the cost of the drug established by the state plus the established dispensing fee. Each pharmacy's records shall establish that the established dispensing fee paid by the Medical Assistance Program for prescriptions does not exceed the dispensing fee paid by others. This also applies to the payment for insulin and diabetic testing agency and indwelling catheters and catheterization trays for which the dispensing fee may not exceed 50 percent of the wholesale price.

#### B. Payment for Medications to Dispensing Physicians/Practitioners

Payment will be made for medications dispensed by a physician or other practitioner (covered under Attachment 3.1-A, Item 6 within the scope of practice as prescribed by state law) on a continuing basis only when his main office is more than five miles from a facility which dispenses drugs.

Under the above circumstances, vendor payment (when the treating prescriber dispenses his own medications and bills the Medical Assistance Program under his own name or the name of his own clinic or hospital) will be made on the same basis as a pharmacist as specified in Paragraph A above.

### II. Standards For Payment

A. Payment will be made for medications in accordance with the payment procedures for any eligible person who has identified himself to the provider by presenting his identification card which shows his eligibility. State office advises participating pharmacists regarding payable medication.

B. The pharmacy must be licensed to operate in Louisiana except:

1. as provided for a person residing near the state line; or
2. as provided for a recipient visiting out-of-state.

C. Payment will be made only to providers whose records are subject to audit.

D. Payment will be made to providers only for medications furnished to persons eligible for medical vendor payments on a prescription written by a licensed physician or dentist.

### III. Reimbursement Limits

Payments will be made only for the drugs covered under the Medical Assistance Program's Pharmacy Program.

#### A. Definitions

*Brand Name* means any registered trade name commonly used to identify a drug.

*Multiple Source Drug* means a drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name

and without such a name.

*Average Wholesale Price (AWP)* means the wholesale price of a drug product as reported to the agency by one or more national compendia on a weekly basis to update the Medicaid Management Information System (MMIS).

*Estimated Acquisition Cost (EAC)* means the modified Average Wholesale Price of the drug dispensed, identified by the manufacturer number, product number, and package number usually purchased by a provider, from a supplier whose products are generally available to all pharmacies and reported in one or more national compendia. EAC for drug products supplied through repackaging into smaller quantities by chain drugstore central purchasing shall be based on the package size purchased by the central purchasing unit. Supporting documentation (invoices) shall be made available to the agency or its designee upon request. This limitation includes drug products which are repackaged or relabeled by the manufacturer or third party under any type of purchase contract or agreement. Bulk purchase contracts in excess of 100 packages and any central office purchasing practices which result in price reductions not generally available to all pharmacies shall also be subject to this limitation. If the package size is larger than the largest size listed by the Louisiana program, then EAC will be based on the largest size listed in the American Druggist Blue Book or other national compendia utilized by the state to update the Medicaid Management Information System (MMIS).

*Modified* means the lower of the following applicable limits:

- AWP-10.5 percent for:

"Other Drugs" not subject to LMAC limits; and

Drugs exempt from LMAC or Federal Upper Limits by physician override;

- LMAC limits on multiple source drugs established by the state as set forth below; and

- Federal Upper Limits on multiple source drugs established by HCFA as set forth below.

#### B. Federal Upper Limits (FUL) For Multiple Source Drugs

1. Except for drugs subject to "Physician Certification", the Medical Assistance Program shall utilize listings established by HCFA that identify and set upper limits for multiple source drugs that meet the following requirements:

a. All of the formulations of the drug approved by the Food and Drug Administration (FDA) have been evaluated as therapeutically equivalent in the most current edition of their publication, *Approved Drug Products with Therapeutic Equivalence Evaluations* (including supplements or in successor publications);

b. At least three suppliers list the drug (which has been classified by the FDA as category "A" in the aforementioned publication based on listings contained in current editions (or updates) of published compendia of cost information for drugs available for sale nationally.

2. The Medical Assistance Program shall utilize the maximum acquisition cost established by HCFA in determining Multiple Source Drug Cost.

3. The Medical Assistance Program shall provide pharmacists who participate in Title XIX reimbursement with updated lists reflecting the multiple source drugs subject to Federal Multiple Source Drug Cost requirements, the maximum reimbursement amount per unit, and the date such costs shall become effective.

#### C. Other Drug Cost Limits

1. Payments for drugs other than Multiple Source Drugs

not exempt by "Physician Certification" shall be based on the lower of:

- a. the agency's estimated acquisition cost plus the agency's established dispensing fee; and
- b. the provider's usual and customary charge to the general public not to exceed the agency's "Maximum Pharmaceutical Price Schedule."

#### 2. Louisiana Maximum Allowable Cost (LMAC) Limits

LMAC is the median AWP cost for a specific strength/unit drug determined by listing the wholesale costs for each readily available manufacturer, labeler, etc. and taking the median of those AWP costs (one-half will be above the median cost and one-half will be below the median cost.) LMAC limits may be adjusted by the agency based on changes in the availability and EAC of the drugs.

The agency shall make determinations of which multiple source drugs are to be subject to LMAC regulation based on the availability of drugs in the Louisiana Medical Assistance Program. The availability of a drug product will be determined by review of provider claim data. Providers shall be given advance notice of any additions, deletions, or adjustments in price. A complete LMAC cost listing will be distributed periodically. Any provider may request and receive at no charge, one complete listing annually.

In no case shall a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limit, nor may BHSF use a cost which exceeds the established maximums except for Physician Certification for Brand Name Drugs.

#### D. Lower Of Reimbursement For Multiple Source Drugs

The agency shall make payments for Multiple Source Drugs other than drugs subject to "Physician Certifications" based on the lower of:

1. any applicable Louisiana Maximum Allowable Cost Limit plus the agency's established dispensing fee;
2. any applicable Federal Upper Limit for Multiple Source Drugs plus the agency's established dispensing fee;
3. the providers' usual and customary charges to the general public not to exceed the agency's "Maximum Pharmaceutical Price Schedule"; and
4. the average wholesale price of the drug product, subject to the agency's limits on purchasing practices as outlined in the definition of EAC and IV.K

#### E. Physician Certifications

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 attached to the prescription. A standard phrase, in the prescriber's handwriting, such as "brand necessary" will be acceptable.

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:

1. a printed box on the prescription blank that could be checked by the prescriber to indicate brand necessity;
2. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank;
3. preprinted prescription forms using a facsimile of the prescriber's handwritten statement.

### **IV. General Requirements Applicable to All Prescriptions**

- A. For all prescriptions, the maximum quantity payable

shall be a month's supply or 100 unit doses, whichever is greater. The quantity billed shall be that prescribed, unless it exceeds the maximum quantity payable in which case the maximum quantity payable shall be filled.

B. When maintenance drugs are prescribed and dispensed for chronic illnesses they shall be in quantities sufficient to effect economy in dispensing and yet be medically sound. Following are drugs the agency considers to be maintenance-type drugs and which should be prescribed and dispensed in a month's supply: Anti-coagulants, Anti-convulsants, Oral Anti-diabetic, Calcium Gluconate, Calcium Lactate, and Calcium Phosphate, Cardiovascular Drugs including: diuretics, antihypertensives, and Antihyperlipidemics, Estrogens, Ferrous Gluconate and Ferrous Sulfate, Potassium Supplements, Thyroid and antithyroid drugs, Vitamins - A, D, K, B<sub>12</sub> Injection, Folic Acid, and Nicotinic Acid.

C. For patients in nursing homes, the pharmacists shall bill for a minimum of a month's supply of medication unless the treating physician specifies a smaller quantity for a special medical reason.

D. Payment will not be made for narcotics prescribed only for narcotic addiction.

E. Recipients shall have free choice of pharmacy unless subject to the agency's "lock-in" procedures.

F. When services are provided the eligible person under another service plan (hospitalization or extended care facility), the provisions applicable to such service plans shall apply during the time the service is provided and vendor payments will not be made for medications.

G. Payment will be made for prescriptions refilled not more than five times or more than six months after issue date and only to the extent indicated by the prescriber on the original prescription and as restricted by state and federal statutes. The prescriber is required to state on the prescription the number of times it may be refilled.

H. Prescriptions shall be filled within 10 days; narcotic (classified as schedule II by the U.S. Drug Enforcement Administration) prescriptions within 24 hours.

I. A prescriber who has a suboffice in an area more than five miles from a pharmacy or other facility dispensing medications will not be paid for medication he dispenses if his main office is within five miles of a pharmacy or other facility dispensing medications.

J. When a prescriber bills the Medical Assistance Program for medications he dispenses, he shall certify that he himself, another prescriber or a pharmacist dispensed the medications and he shall maintain the same records as required of the pharmacist.

K. The manufacturer number, product number, and package number for the drug dispensed shall be listed on all claims. This information shall be taken from the actual package from which the drug is purchased by a provider. Drug products supplied through repackaging into smaller quantities by chain drug store central purchasing shall be billed by the dispensing pharmacy using the manufacturer number, product number, and package size number of the package size purchased by the central purchasing unit. If the package size is larger than the largest size listed in the American Druggist Blue Book or other national compendia used by the state to update the Medicaid Management Information System. In instances where drugs are supplied in smaller quantities by a manufacturer or third party under a special purchase arrangement, contract, or agreement not generally available to all providers; then the package size billed shall

be the largest size listed in the American Druggist Blue Book or other national compendia utilized by the state to update the Medicaid Management Information System.

Regulatory Exception

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

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

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

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

The Health Care Financing Administration (HCFA) promulgated reimbursement limits on payments for drugs under Title XIX (Medicaid). These limits were published in the *Federal Register*, Vol. 52, No. 147, dated July 31, 1987, Pages 28648 - 28658. Under these regulations reimbursement for prescription drugs was divided into two groupings: Multiple Source Drugs for which a Federal Upper Limit was established; and Other Drugs. Under this regulation the state agency incorporated Federal Upper Limits into its existing "lower-of" reimbursement methodology. The state agency also retained its reimbursement methodology for drugs included in the "Other Drugs" category. Reimbursement for drugs in this category was based on the lower of:

- Louisiana Maximum Allowable Cost (LMAC) limits on multiple source drugs;
- Average Wholesale Price (AWP) for the drug product subject to expanded package size limitations; and
- usual and customary charges to others.

Following submittal of the state's reimbursement methodology to the Health Care Financing Administration (HCFA) the state was notified the continued utilization of AWP in setting reimbursement for "Other Drugs" was unacceptable in light of "overwhelming evidence" that providers do not pay AWP for drugs purchased. The state agency appealed this decision and was notified on June 16, 1989 that the administrator of HCFA had upheld the disapproval of Louisiana's methodology making the following findings:

"The administrator has reviewed the entire prescription drug reimbursement plan proposed in Plan Amendment Number 87-33. There are features in this plan which properly constrain Medicaid drug reimbursement costs. The state's LMAC program has been, and continues to be, a significant factor in keeping total costs in line. There was evidence in the record that the LMAC program accounted for 56 percent of all drug claims reimbursed by the state."

"However, all of the drugs subject to LMAC are multiple-source drugs. Other multiple-source drugs are subject to the Fed-

eral MAC, set up under 42 CFR 447.332. EAC would still serve as the primary cost screen for all single source drugs. This is the crux of the issue in this reconsideration - the effectiveness of EAC for those drugs subject to it."

"Reimbursement for all drugs, except those subject to the Federal MAC, would be subject to the additional limitation of the usual and customary charge made to the general public. This is a regulatory requirement at 42 CFR 447.331(b). However, when this limitation is frequently used because the retail prices are lower than the average wholesale price (AWP) plus a dispensing fee, there is a further indication that the unmodified AWP is in excess of the providers' acquisition cost.<sup>127</sup>"

"The LMAC and usual and customary charge limitation are commendable features of the state's proposed plan. However, the plan would be more economical and efficient if the EAC did not rely upon a unmodified AWP." (footnote omitted)

The Bureau of Health Services Financing has been orally advised by HCFA Region IV personnel that without specific findings of what price participating pharmacies are paying for prescription drugs, reimbursement of single source drugs based upon compendia data cannot be approved unless such data is reduced by a minimum of 10.5 percent.

To prevent this disallowance of federal funding effective July 1, 1989, for Pharmacy Services, the Bureau of Health Services Financing is required to submit a new reimbursement methodology for prescription drug services immediately. The bureau has declared an emergency rule effective July 1, 1989 to amend its reimbursement methodology as mandated by HCFA. As the current dispensing fee was established taking reimbursement limitations into account, the change in reimbursement limits requires the bureau to also amend its dispensing fee to assure total reimbursement for prescription services remains reasonable and adequate to cover the costs which must be incurred by efficiently and economically operated providers.

Under this rule the agency is increasing its dispensing fee to \$4 based on the dispensing fee survey performed by the bureau in 1987.

#### Rule

The bureau shall pay a dispensing fee on each Title XIX prescription of no more than \$4. The dispensing fee paid on a prescription shall be subject to reimbursement limitations adopted by the bureau for payment of Title XIX prescription drug services.

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

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

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

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

R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Public Law 100-203 mandates preadmission screening and annual resident review for nursing care (Long Term Care services in other than an ICF-MR) to ensure that individuals with a diagnosis of mental illness or mental retardation receive appropriate levels of care; and that active treatment is available when it is determined that such treatment is needed even when the individual does require a nursing facility level of care. This law will result in the deinstitutionalization of many individuals now placed in nursing facilities. These individuals, as well as others deinstitutionalized from state psychiatric facilities, will require extensive mental health and/or substance abuse services in the community in order to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community. Therefore, it is necessary to include rehabilitative services for mentally ill adults or emotionally disturbed children as Medicaid services. This provision will also ensure the state's adherence to the federal requirements mandated by Public Law 100-203 in regard to the active treatment provisions for individuals qualifying as in need of nursing facility care but who also require active treatment of a mental illness, as the necessary rehabilitative services may then be provided as an adjunct via these community-based mental health and/or substance abuse services.

#### RULE

Effective July 1, 1989 the Bureau of Health Services Financing shall add as Medicaid services, the following rehabilitation services to mentally ill adults or emotionally disturbed children (as defined by Division of Mental Health) which are necessary to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community:

##### 1. Structured Therapeutic Program

A structured therapeutic program which provides rehabilitative services determined to be necessary for the mentally ill adult or emotionally disturbed child for the reduction of physical or mental disability and restoration of the individual to his best possible functional level. The services must be recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

##### 2. Community Based Crisis Care

Face-to-face services provided by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals to resolve acute emotional or mental dysfunction and secure appropriate placement in the least restrictive setting; or for continued treatment, follow-up and support services necessary to maintain crisis resolution and restore functioning of the mentally ill adult or emotionally disturbed child to the best possible functional level. All services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis intervention services, which may be recommended by the qualified mental health professional or licensed physician on duty during the crisis. Units of service shall be hours and reimbursement shall be at a negotiated hourly rate established by the Bureau of Health Services Financing based on the cost of the service.

##### a. Structured Crisis Care provided in a structured com-

munity setting, staffed with qualified mental health professionals trained in crisis management such as crisis stabilization programs and detoxification programs certified by the Division of Mental Health.

b. Residential Crisis Care provided in individual or group residential setting (e.g. the client's own home, a foster care home, a shelter, or group home, etc.) by qualified mental health professionals or direct service staff under the supervision of qualified mental health professionals.

##### 3. Psycho-social Rehabilitation Services

Diagnostic and treatment services to individuals with mental or emotional disorders, the individuals' families, and others with significant ties to the clients, which are recommended by and included in the individual's treatment plan as approved by a physician or other licensed practitioner of the healing arts. Services may be provided at any site such as the client's home, school or other community setting. Psycho-social rehabilitation services do not include those services that are part of another community mental health service, such as clinic services, structured therapeutic programs, community-based crisis care services, medication administration and monitoring or case management services (as defined under the case management option of the Title XIX State Plan for the chronically mentally ill). Units of service shall be by service/procedure and shall be reimbursed in accordance with a fee for service established by the Bureau of Health Services Financing.

##### 4. Medication Services

Face-to-face contact by qualified professionals to administer prescribed medications, or to assess or monitor a person's status in relation to treatment with medication. Services must be provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis services, which may be recommended by the licensed physician on duty during the crisis.

a. **Injectable Medication Administration.** Administration of injectable medication via intradermal, subcutaneous, intramuscular, or intravenous routes by a licensed nurse, a physician or other legally approved person under the supervision of a physician in accordance with a physician's order. Such administration includes preparation of the medication utilizing sterile technique, administration of the medication utilizing proper sites, client assessment and reaction to injection, medication education, and documentation of the medication administration, client response, and medication counseling provided.

Units of service shall be per injection and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

b. **Medication Administration by other Routes.** Administration of medication via routes other than injection. Such medication administration is performed by a licensed nurse, a physician, or other legally approved person under the supervision of a physician in accordance with a physician's order. Administration of these types of medication include preparing and administering medication using proper technique, client assessment and reaction, medication education, and documentation of the medication administration, client response, and medication counseling provided. Unit of service shall be per occurrence of administration of medication and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

c. **Medication Monitoring.** Face-to-face contact by professional staff authorized by the physician to ascertain the person's response to prescribed medication regimen. Assessment data/description of person's condition is prepared for physician evalu-

ation. Contact is made either in accordance with the person's individual treatment plan or in a crisis situation when the person's individual treatment plan or in a crisis situation when the person's documented condition indicates unscheduled review is necessary. Unit of service shall be per contact/encounter and shall be reimbursed on a fee for service established by the Bureau of Health Services Financing.

#### Standards for Participation

The provider of rehabilitative services for the mentally ill adult or the emotionally disturbed child (as defined by Division of Mental Health) must:

1. enter into a provider agreement with the Bureau of Health Services Financing, and abide by the provisions of the Provider Agreement and other applicable state and federal regulations related to enrollment as a Medicaid provider;

2. must be certified as a Comprehensive Community Mental Health Services Provider by the Division of Mental Health; or be under subcontract with a Comprehensive Community Mental Health Services Provider certified by the Division of Mental Health;

3. ensure that all rehabilitative services are provided by or under the supervision of a Qualified Mental Health Professional (QMHP) as defined by the Division of Mental Health and who meet one of the following education and experience requirements:

a. a psychiatrist who is dully licensed to practice medicine in the state of Louisiana and had completed an accredited training program in psychiatry; or

b. a psychologist who is licensed as a practicing psychologist under the provisions of R.S. 37:2351-2366; or

c. a social worker who holds a master's degree in social work from an accredited school of social work and is a board certified social worker under the provisions of R.S. 37:2701-2718; or

d. a psychiatric nurse who is licensed to act as a registered nurse in the state of Louisiana by the Board of Nursing and:

i. is a graduate of an accredited master's level program in psychiatric mental health nursing with two years experience; or

ii. has a master's degree in behavior science with two years of supervised clinical experience; or

iii. has four years of experience in psychiatric mental health nursing; or

e. a professional mental health counselor who is licensed as a mental health counselor under the provisions of R.S. 37:1101-1115; and has two years experience in mental health; or

f. other qualified mental health professional with a master's degree in a related human services field and two years of supervised clinical experience in mental health services, or an individual with a baccalaureate degree in a related human service field and four years of supervised clinical experience in mental health services.

4. ensure that services are provided in accordance with an individualized plan of care as approved by a licensed physician or other licensed practitioner of the healing arts who is also a qualified mental health professional;

5. each Comprehensive Community Mental Health Services Provider must establish and maintain a quality assurance committee which shall examine the clinical records for completeness, adequacy and appropriateness of care, and quality of care and efficient utilization of provider resources.

The quality assurance documentation should be filed sep-

arately from the clinical records. A utilization review plan which meets federal and state requirements for mental health services shall be submitted to the Bureau of Health Services Financing for review and approval; and review must be conducted in accordance with the approved plan;

6. ensure that sufficient records to document the rehabilitative services being provided to the mentally ill adult or emotionally disturbed child under this provision are maintained in accordance with state and federal regulations;

7. comply with state and federal regulations regarding the completion and submittal of cost reports and audit of same;

8. comply with state and federal regulations regarding subcontracts.

#### Reimbursement

Reimbursement for rehabilitative services to mentally ill adults or emotionally disturbed children shall be in accordance with a negotiated hourly rate or a fee for service established by the Bureau of Health Services Financing based on cost(s) of providing the service. All services are reimbursable only when provided in accordance with a treatment plan approved by a licensed physician or other licensed practitioner of the healing arts, with the exception of crisis care services which may be recommended by the qualified mental health professional or physician on duty during the crisis.

David L. Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### ALLIGATOR SEASON REGULATIONS

In accordance with the emergency provisions of R.S.49:953(b), the Administrative Procedure Act, R.S.49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set the alligator season, and R.S. 56:260, and action by the commission on July 7, 1989, the alligator season is hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana laws pertaining to Wildlife and Fisheries, appropriate federal laws and regulations, Wildlife and Fisheries Commission regulations, and/or Louisiana Department of Health and Hospitals regulations.

1. Open Area—Alligator habitat in the state of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season—The open season shall run for a 30-day period beginning on September 9, 1989 and continue through October 8, 1989. It is legal to take, possess, or sell alligators or their skins under four feet in length as provided for by rules and regulations of the commission. A special department permit shall be issued to alligator hide dealers, farmers, ranchers and hunters in order to ship alligator skins below four feet in length.

3. Harvest methods—Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a

licensed hunter is cited for hunting alligators out of season, at night or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license.

Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the department will be considered illegal and will be confiscated by department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses—An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have established bona fide residence in the state.

A hunter must complete application forms provided by the department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures).

Applications must be submitted beginning August 1, 1989. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 18, 1989. Alligator sport hunter licenses may be issued throughout the season. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season.

A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) buys from an alligator hunter or farmer for the purpose of resale; or (b) manufactures within the state, alligator parts into a finished product; or (c) purchases, cans, processes, or distributes alligator meat for wholesale or retail.

A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year.

Persons or firms entering alligators, alligator eggs, or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, alligator eggs, or alligator skins and/or parts to another state or country must do so in accordance with the regulations of that state or country.

Each retailer selling canned alligator parts or purchasing

alligator parts and each restaurant selling prepared alligator meat for human consumption shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of \$5.

5. Disposition, Validation, Tagging and Labeling—All alligators killed within the state including those killed on farms and ranches shall have an official \$4 harvest tag attached.

All shipments of eggs and alligators transported or otherwise disposed of out-of-state shall have an official alligator/egg shipping label attached prior to transport or shipment out-of-state. A \$4 fee will be charged for each egg or alligator contained within the shipment.

In addition to a valid commercial alligator hunting license, the hunter must also obtain from the department, and have in his possession while hunting, official harvest tags which must be firmly attached to each alligator immediately upon taking. Numbered tags will only be issued in the name of license holders. Alligator tags will not be issued after September 18, 1989.

Harvest tags will be issued throughout the year to alligator farmers and ranchers and will only be issued to holders of valid nongame quadruped breeders licenses. All alligator tags issued to farmers and ranchers will only be issued from Rockefeller Refuge. Tags must be attached and locked in the last six inches of the tail. The tags must remain attached to the skin until final processing by the fabricator.

It shall be illegal to possess dead alligators or alligator skins in Louisiana without valid official tags or labels attached. Failure to properly tag or label an alligator or skin will result in confiscation of both the alligator or skin and tag. Alligator farmers and ranchers may hold dead farm raised alligators which may have died from disease in freezers until officially checked by a department biologist. Rockefeller Refuge must be notified within 30 days of any such deaths.

Official alligator tags will be issued to alligator hunters who have authorized applications. Each official tag will bear a serial number, and the tag issued to each hunter will be recorded. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of department biologists.

Hunters, farmers and ranchers will be held accountable for all alligator tags issued to them. Unused tags must be returned by the hunter to the department no later than 15 days following the close of the season. Violation of this requirement shall result in the revocation of the alligator hunting license and no alligator tags will be issued for one year.

Department personnel must be notified, within 15 days following the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application.

Tags furnished by the Louisiana Department of Wildlife and Fisheries (Color: Blue) must be attached to all unprocessed alligator meat/parts upon transfer by a hunter or farmer.

Each shipment or transport of eggs or alligators out of the jurisdictional boundaries of Louisiana shall have affixed an official numbered alligator/egg shipping label which will be available upon request from the department. This label will contain the numbers of eggs and/or alligators being shipped/ transported, the name and license number of the shipper and the destination

address. Each label will be validated by a department employee. Shipment of eggs or alligators being used for department sanctioned research shall be exempt from the label fee but shall be accompanied by a permit issued by the department.

6. Alligator Farmers and Breeders—Licensed alligator farmers and ranchers must have department authorization to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm/rancher alligators can be harvested during closed season with department approval). Alligator farmers and ranchers must have written department authorization to sell or transfer live alligators or alligator eggs. All such requests shall be forwarded to Rockefeller Refuge. All alligator farmers and ranchers shall adhere to all requirements contained in their state alligator farming/ranching permit.

7. Sale of Alligator Skins—All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hide Records—All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the department within sixty days after the close of the alligator season, or prior to shipping out-of-state, a complete report as specified on forms provided by the department.

9. Shipment—All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of \$.25 per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts—Meat and other parts from lawfully taken alligators can only be sold according to Louisiana and federal laws, including Louisiana Department of Health and Hospitals regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal regulations.

Alligator meat sold for human food must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals. If a person or firm is cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated.

Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases and sales on forms provided by the department. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the department. The alligator parts tag must remain attached until processing by properly licensed individuals or firms.

Hunters, farmers, and alligator parts dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six

months.

11. Alligator Nuisance Control Program—This program is incorporated into the Alligator Harvest Program to remove problem alligators occurring within the confines of communities which cannot be harvested under the tag allotment program. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. The program depends upon close cooperation of state, parish and local authorities.

The primary objective of the Alligator Nuisance Control Program is to reduce the number of human-alligator contacts, yet utilize a valuable natural resource. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the department will be valid for one year, until the next year's skinning instructions are issued.

The selection of nuisance alligator hunters shall be coordinated through local governing bodies such as police juries or parish and city administrators. The final selection of nuisance alligator hunters rests with the department with appropriate background checks of all applicants. Alligator harvest tags may be issued by the department to an approved resident commercial licensed hunter who has been officially designated by the local governing body with concurrence of the department. The number of tags issued will be based on the number of legitimate complaints received, the quantity and quality of alligator habitat involved and with approval of department personnel. Numbered tags will only be issued in the name of the nuisance license holder for a sum of \$4 per tag.

Disposition of skins, meat and parts taken in this program will comply with existing federal and state statutes, commission rules and regulations, and regulations adopted by the Louisiana Department of Health and Hospitals.

12. Hunting On Public Lakes—The department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. Alligator tags issued on public lakes are non-transferable.

Applicants for public lake hunting must be 16 years of age or older. Applications for public lake hunting must be received at least 10 days prior to the season opening date. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Only the applicants whose names are drawn will be eligible to hunt public lakes.

13. Harvest Rates—Harvest rates are presently being calculated and will be determined by biologists of the Fur and Refuge Division. Aerial nest counts and night count surveys will be completed on July 15, 1989. This data will be analyzed, harvest rates calculated, and alligator tag allotments will be presented to department/commission administrators for their consideration.

14. The department secretary shall be authorized to close, extend or reopen the alligator season as biologically justifiable; harvest rates will be approved when available by the department secretary.

This is to certify that the above and foregoing is a true copy of the excerpt of the meeting of the Louisiana Wildlife and Fisheries Commission held in Grand Chenier, Louisiana on July 7, 1989.

Virginia Van Sickle  
Secretary



# Rules

## Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LX. Professional Counselors

##### Chapter 1. General Provisions

##### §103. Description of Organization

The Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the board, resides in the Department of Health and Hospitals, and consists of seven members, who shall be residents of the state of Louisiana. Board members are appointed by the governor as specified in §1104 within 60 days after the effective date of Chapter 13 of Title 37 to serve the following terms: one member for a term of two years, two members for terms of three years, and two members for terms of four years. The two additional members to be appointed in 1988 shall be appointed by the governor, one to a term of two years and one to a term of three years. Thereafter, each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation. Board membership shall consist of three licensed professional counselors, three educators whose function is the training of mental health counselors in accredited programs, and one individual from the public at large. No board member shall serve more than two full consecutive terms. The original professional membership of the board shall be qualified to be licensed under this Chapter, except that the initial professional members shall be persons who have rendered mental health counseling for at least three years, or who have been training mental health counselors in accredited programs for at least three years. Appointments to the board are made from a list of qualified candidates submitted by the Executive Board of the Louisiana Association for Counseling and Development. No board member shall be liable in any civil action for any act performed in good faith in the execution of his duties under Chapter 13 of Title 37.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, LR 15: (July 1989).

##### §109. Financially Self-sufficient

The board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 15: (July 1989).

##### Chapter 3. Board Meetings, Procedures, Records, Powers and Duties

##### §305. Board Staff

An executive director, who shall not be a member of the board, shall be employed, within the limits of the funds received by the board pursuant to R.S. 37:1106. The board shall be empowered to accept grants from foundations and institutions to carry on its functions.

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.51.aa(11)

The board amended board action of April 26, 1984 to provide that general election day shall be a statewide school holiday every four years for the presidential election and that all schools of this state shall be closed on that day. (Amendment to Bulletin 741)

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published April 20, 1989 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.00.73.g

The board adopted an amendment to Bulletin 1213, Minimum Standards for School Buses and approved a new bus version, Type "D" - Buses Mid Range Rear Engine. (Specifications for this new school bus may be seen in the State Department of Education or the Office of the State Board of Elementary and Secondary Education.)

Em Tampke  
Executive Director

## RULE

### Department of Health and Hospitals Board of Examiners of Professional Counselors

The Louisiana Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act R.S. 49:950 et seq., has adopted the following rule amendments and rules governing the practice of mental health counseling in the state of Louisiana. The proposed rule amendments, which appeared as proposed rule amendments by notice of intent previously published in the *Louisiana Register*, LR 15:5 (May 20, 1989), are set forth below.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, LR 15: (July 1989).

**Chapter 9. Fees**

**§901. General**

A. The board shall collect the following fees stated in R.S. 37:1106.

- 1. Application, license and seal . . . . . \$200
- 2. Written examination . . . . . \$100
- 3. Renewal of license . . . . . \$100
- 4. Reissuance for lost or destroyed license . . . . . \$ 50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:82 (February 1988), amended by the Department of Health and Hospitals, LR 15: (July 1989).

**Chapter 17. Exclusions**

**§1703. Exemptions**

- A. - I. . . . .
- J. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:85 (February 1988), amended by the Department of Health and Hospitals, LR 15: (July 1989).

**Chapter 19. License Without Examination**

**§1901. License Without Examination**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:85 (February 1988), repealed by the Department of Health and Hospitals, LR 15: (July 1989).

**§1903. Completion of Licensure Process**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:86 (February 1988), repealed by the Department of Health and Hospitals, LR 15: (July 1989).

**§1905. Reciprocity During License Without Examination**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:86 (February 1988), repealed by the Department of Health and Hospitals, LR 15: (July 1989).

Jane C. Chauvin, Ph.D.  
Chairman

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

In accordance with the Administrative Procedure Act as amended, the Department of Health and Hospitals, Office of Public Health is amending Title 48, Part V, Subpart 19; Chapter 71, §§7101 and 7103 of the Louisiana Administrative Code regarding the policies for receiving medical supplies through the Hemophilia Program and for the collection of third party reimbursements.

**Title 48**

**PUBLIC HEALTH-GENERAL**

**Part V. Preventive Health Services**

**Subpart 19. Genetic Diseases Services**

**Chapter 71. Hemophilia Program**

**§7101. Eligibility**

To be eligible for the program, a client must reside in Louisiana and have medically diagnosed hemophilia, as defined in R.S. 40:1299.5. For a patient to receive factor and other medical supplies and services through the program he must:

- 1. receive a medical evaluation at least once annually at the Louisiana Comprehensive Hemophilia Care Center;
- 2. submit infusion records upon sending in prescriptions to the program office;
- 3. sign and submit all insurance forms relative to charges for factor and other supplies;
- 4. inform the Program Office immediately of any changes in insurance coverage.

If a patient fails to comply with these requirements, he/she will not be able to receive factor and other medical supplies and services through the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (July 1989).

**§7103. Collections**

Insurance carriers, Medicare and Medicaid are charged by the program for the blood products (e.g., factor, monoclate, stimate and autoplex) and medical supplies (e.g., syringes and needles). Costs are determined by charges made to the program for the blood products and medical supplies, plus an administrative fee for dispensing, shipping and delivery by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15: (July 1989).

David L. Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary**

Effective upon publication, the Department of Health and Hospitals, Office of the Secretary, is updating the rules for the licensing of child day care centers in compliance with R.S. 46:1401-1424. These updated rules have been developed and submitted to the department by the Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies. These updated rules are for Class A child care centers only. The legal authority for these rules is R.S. 46:1401-1424. The purpose of these rules is to protect the health, safety, and well being of the children of the state who are in out-of-home care on a regular or consistent basis, specifically in day care centers. A child day care center is defined as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of seven or more children under the age of 18 years not related to the caregiver and unaccompanied by parent or guardian, on a regular basis for at least 20 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center. A day care center that remains open after 9 p.m. shall meet the appropriate regulations established for nighttime care. The rules will address the following topics: Procedures for licensing, training of staff, required child care staff, other required staff, group size (staff-child ratios), plant equipment, admission procedures, and care of children such as nutrition, health services, daily program, supervision and discipline, and finally transportation.

Specifically, the regulations will replace the current regulations located in the Louisiana Administrative Code Title 48 Chapter 53 in their entirety. The final rule is too bulky to be printed in the *Louisiana Register*. For a fee of \$5 a copy of the rule may be obtained by writing Steve Phillips, Department of Health and Hospitals, Box 3767, Baton Rouge, LA 70821 (Phone: 504-342-5774).

David Ramsey  
Secretary

**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Client Placing Agencies  
With and Without Adoption Programs**

Effective upon publication, the Department of Health and Hospitals, Office of the Secretary, is updating rules for the licensing of Child Placing Agencies with and without Adoption Programs in compliance with R.S. 46:1401-1424. These updated rules have been developed and submitted to the department by the Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies. These updated rules are for Class A child placing agencies only. The legal authority for these rules is R.S. 46:1401-1424. The purpose of these rules is to protect the health, safety, and well being of the children of the state who are

placed in foster care and adoption. The rules are concerned with the licensing procedures, the administration and organization of the agencies to be licensed, social services related to child placement, records, family foster care services, and adoption services.

Specifically, these rules replace Chapters 41 (Adoption agencies) and 61 (Foster Care/Substitute Family Care) in their entirety in the Louisiana Administrative Code. This rule will replace both chapters by combining them into one chapter of the Louisiana Administrative Code, namely, Chapter 41 and will be named Child Placing Agencies with and without Adoption Programs. For a fee of \$5 a copy of the rules may be obtained by writing to Steve Phillips, Department of Health and Hospitals, Box 3767, Baton Rouge, LA 70821.

David Ramsey  
Secretary

**RULE**

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

The Bureau of Health Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Volume 15, No. 3, dated May 20, 1989.

**RULE**

\* f. Exception for High Occupancy Areas

A licensed facility (with approved, enrolled beds) which maintains an average annual occupancy level of 99 percent for the four most recent quarters (as reported in the LTC-2) may apply for approval for additional beds to be enrolled in the Medicaid Program.

In order to be eligible for this exception, the following conditions must be met:

1. Quality of Care

For the last 36 months, compliance history and quality of care performance of the applicant facility must be void of any of the following sanctions:

- a. denial of payment;
- b. civil money penalty;
- c. court appointment of temporary managers;
- d. termination, non-renewal or cancellation of provider agreement and Medicare/Medicaid certification;
- e. license revocation.

For the last 36 months, the department cannot have initiated termination or non-renewal of a provider agreement or Medicare/Medicaid certification.

2. Maximum Number of Beds

The number of beds for which application may be made is determined by the recommended minimum nurse/patient ratio for the number of licensed beds in the facility; the number of proposed beds may not result in a change in the number of nurses required for the total number of licensed beds plus proposed beds.

\* Rev. 7-20-89

ICF FACILITIES

Beds	Nurses
1-90	3 (excl. Dir. of Nsg.)
91-110	4
111-130	5
131-150	6
151-170	7
171-190	8
191-210	9
211-230	10
etc.	

SNF FACILITIES

Beds	Nurses
1-67	3 (excl. Dir. of Nsg.)
68-82	4
83-97	5
98-112	6
113-127	7
128-142	8
143-157	9
158-172	10
etc.	

3. Time Period and Occupancy Rate

In order for beds to be added under this exception, the average annual occupancy rate must be at least 99 percent for the four most recent reported quarters (as reported in the LTC-2).

4. Status of Approved Beds

In order for a facility to apply under this exception, all approved beds must be licensed; in order for a facility to re-apply under this exception, all approved beds must be licensed and must be reflected in the LTC-2 occupancy report for four quarters.

David L. Ramsey  
Secretary

**RULE**

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

The Bureau of Health Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Volume 15, No. 5, dated May 20, 1989.

**RULE**

2. Community and Group Homes for the Mentally Retarded

The service area for a proposed or existing facility is designated as the planning region in which the facility or proposed facility is or will be located. The planning regions for the Office of Mental Retardation are as follows:

**Region I - New Orleans**

Jefferson, Orleans, Plaquemines, and St. Bernard

**Region II - Baton Rouge**

Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, and West Feliciana

**Region III - Thibodaux**

Assumption, Lafourche, St. Charles, St. James, St. John, and Terrebonne

**Region IV - Lafayette**

Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion

**Region V - Lake Charles**

Allen, Beauregard, Calcasieu, Cameron, and Jeff Davis

**Region VI - Alexandria**

Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn

**Region VII - Shreveport**

Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster

**Region VIII - Monroe**

Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll

a. Community or group homes shall be approved where mandated by courts.

b. The bed to population ratio for community and group homes shall not exceed .36 per 1000 population in each service area unless the exception described below is applicable.

i. Beds which are counted shall include:

(a). approved and licensed beds; and

(b). approved but not yet licensed beds.

Beds which are approved in accordance with the policy outlined in 12502.B.2.e. are not counted in the bed to population ratio.

ii. The bed inventory which will be used to determine bed need is that which is current on the date on which the application is deemed complete except as follows: The bed to population ratio will be recomputed during the review period when the report is incorrect due to an error by the department, when bed increases or decreases are reviewed and approved for the area, or when fair hearing decisions on judicial decisions are effective prior to the decision on the application.

iii. The population figures to be used are those for the year in which the application is deemed complete. These figures are compiled by the Louisiana State Planning Office and are available through the Facility Need Review Program.

c. Occupancy Rate

i. In order for community home beds to be added, the average annual occupancy rate in the service area for community homes shall be 80 percent or greater. In order for group home beds to be added, the average annual occupancy rate in the service area for group homes shall be 85 percent or greater.

The occupancy report used to determine the occupancy rate is that which is current on the date on which the application is deemed complete except as follows: The occupancy report will be recomputed during the review period when the report is incorrect due to an error by the department.

ii. In determining the occupancy rate for community and group homes, beds used in the calculations shall be beds which are approved and licensed.

iii. Beds which are approved in accordance with the policy outlined in 12502. B.2.e. are not counted in determining the occupancy rate.

d. Exception for High Occupancy Areas

i. An exception to the availability and utilization of beds criteria may be made when all of the following conditions exist:

The statewide bed to population ratio for community and group homes does not exceed .36 per 1000, and

The bed to population ratio in the service area for community and group homes is near or exceeds .36 per 1000 population, and

The adjusted occupancy rate in the service area is equal to or exceeds 85 percent.

ii. The adjusted occupancy rate in the service area is calculated using beds which are:

(a). approved and licensed; and

(b). approved but not licensed.

iii. The adjusted occupancy report will be recalculated to correct any error by the department, and/or to reflect any in-

crease or decrease in beds in the area which resulted from review decisions, from fair hearing decisions, or judicial decisions prior to the decision on the application.

iv. Under this exception, an application for a group or community home may be approved if the adjusted occupancy rate in the service area is 85 percent or greater. The beds in the application will be immediately calculated into the adjusted occupancy rate; no additional beds can be added until the adjusted occupancy rate is 85 percent or greater.

\* e. Exception for large residential ICF/MR's (16 or more beds)

NOTE: Applications for new facilities of 16 or more beds shall not be accepted for review, and applications to increase existing facilities to 16 or more beds shall not be accepted for review. The large ICF/MR's are subject to the provisions of the Facility Need Review Program for expedited review for transactions such as purchases, leases, and change in ownership.

i. A facility with 16 or more beds which voluntarily down-sizes its licensed bed capacity in order to establish a group or community home will be exempt from the Facility Need Review application process and from the bed need criteria.

The beds in the facility will be de-licensed upon Medicaid certification of the same number of group or community home beds.

ii. Facilities to whom these provisions apply should contact the regional Office of Mental Retardation in the region where the ICF/MR facility is located. The regional Office of Mental Retardation will approve or disapprove these proposals.

iii. A copy of the application for licensure for the group or community home beds must be submitted to the Facility Need Review program prior to Medicaid certification. The beds will not be enrolled in Medicaid without authorization from the Facility Need Review Program.

iv. Beds in group and community homes which are approved under this exception are not included in the bed to population ratio or occupancy data for group and community homes approved under the Facility Need Review Program.

David L. Ramsey  
Secretary

## RULE

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 15, No. 5, dated May 20, 1989.

#### RULE

Louisiana Maximum Allowable Cost Regulations (LMAC) for reimbursement under Title XIX are amended to include the following multiple source drugs:

1. Erythromycin ethylsuccinate/Sulfisoxazole acetyl oral suspension

2. Potassium Chloride                      Tables              8mEq

David L. Ramsey  
Secretary

## RULE

### Department of Insurance Insurance Education Advisory Council

#### Rule 9

##### I. Purpose

The purpose of this rule is to implement Act 840 of the 1988 Regular Legislative Session by establishing curricula for courses of instruction required to be completed by applicants seeking insurance licenses in the state of Louisiana; to establish criteria for approval of providers of the courses of instruction; to establish a mechanism of examination and review of the performance and quality of the instruction.

##### II. Authority

This rule is issued pursuant to the authority vested in the commissioner of insurance, and the Administrative Procedure Act, LRS 49:950 et seq.

##### III. Applicability and Scope

This rule shall apply to all applicants seeking a license as an insurance agent, broker or solicitor, who are required by statute to take an insurance examination. Further, this rule shall apply to the providers of the pre-licensing program and the instructors for said programs.

##### IV. Effective Date

This rule shall be effective July 20, 1989. Effective October 1, 1989 each applicant for an agent's, broker's or solicitor's license shall present evidence that a certified program of pre-licensing educational instruction has been met by the applicant.

##### V. Course Requirement

###### A. Life, Health and Accident

1. All applicants for life, health and accident licenses as agent, broker, or solicitor are hereby required to complete a course of instruction with a minimum of 16 hours of supervised instruction in a structured setting.

2. The curricula shall include the following:

- a. State Regulations
- b. Life Policy Provisions
- c. Whole Life, Term and Endowment Life Insurance
- d. Life Policy Options
- e. Annuity Contract Provisions
- f. Universal Life Insurance
- g. Credit Life
- h. Rate making and Reserves
- i. Interest Adjusted Cost Index
- j. Disability Income
- k. Accident and Health
- l. Medicare Supplement Insurance
- m. Ethical Practices

###### B. Property and Casualty

1. All applicants for property and casualty licenses as agent, broker or solicitor are hereby required to complete a course of instruction with a minimum of 32 hours of supervised instruction in a structured setting.

2. The curricula shall include the following:

- a. General Insurance, Terms, Types and Definitions
- b. State Insurance Regulations
- c. The Law and Insurance
- d. Fire and Allied Lines
- e. General Liability
- f. Inland Marine and Ocean Marine
- g. Multi Line Policies
- h. Crime Insurance and Fidelity

- i. Automobile
- j. Surety Bonds
- k. Miscellaneous Coverage
- l. Workers' Compensation
- m. Risk Management
- n. Ethical Practices

3. Satisfactory completion of the instructional program:

Upon completion of the prescribed course of instruction, the applicant shall be tested by the provider of the program.

4. Exemptions: The requirement for the completion of the instructional course does not apply to any applicant who is exempt from the requirement of an examination under R.S. 22:1167 or any applicant seeking authorization to write industrial fire insurance business only.

5. Concurrent instructional courses: When concurrent instructional courses for both life, accident and health and property and casualty are conducted, the repetition of ethical practices and other topics which are redundant shall be waived. However, this does not reduce the minimum required hours of instructional training set forth by the statute.

#### VI. Provider Requirements

A. Applicants for program approval shall be submitted through the Department of Insurance to the Louisiana Insurance Educational Advisory Council not less than 60 days prior to the expected use of the program. Each instructional provider applicant shall provide the information set forth herein with its application in the format required by the commissioner as set forth herein.

1. Course outline including a list of resource material used, training aids to be used, detail description of the program, and cost of the program to participants.

2. Schedule of locations where the instructional course will be offered, and schedule of classes depicting time and dates. Any change in the schedule of locations, dates or time of classes shall be filed with the council no later than three days prior to scheduled beginning date.

3. Completion of Appendix 1 for the initial certification of director/supervising instructor to be used in accordance with the requirements and qualifications of instructors set forth herein.

4. Description and location of the facilities to be used in accordance with the requirements set forth herein.

B. Once approved, the provider shall maintain detailed attendance records for all students for all classes for three years following completion of the classes. These records may be reviewed by the commissioner and the council.

C. The provider shall not allow credit for required hours for any class work which is not conducted under the direct supervision of the course instructor at the approved facility during scheduled classes.

#### VII. Instructor Qualifications

For the purpose of this Section, a distinction of types of providers must be acknowledged when prescribing the specific required qualifications for instructors.

A. An insurance trade association as recognized by the commissioner shall submit for approval the instructor who will be in a supervisory capacity. Said supervisory instructor shall provide the council with qualifications for instructors to be used during the tenure of the instructional course and shall assume the responsibility of assuring the quality of instructional course.

B. An insurance company admitted to do business in the state of Louisiana shall submit for approval the educational director holding educational responsibility for that company. Said director shall submit and have approved a supervisory instructor

who may be delegated as the supervisory instructor in charge of the instructional course being given. Company personnel possessing expertise in specific areas of instructional topics will not have to be approved as an instructor. The director and/or supervising instructors holding educational responsibility for the company shall be responsible for assuring the quality of the instructional course.

C. The instructor charged with the responsibility for the instructional course at an accredited public or private college or university shall require approval by the commissioner and the council based in part on the educational background of the instructor and the insurance experience said instructor may possess.

D. Other organizations recommended by the council and authorized by the commissioner shall have a supervising instructor certified and assigned the responsibility of conducting the instructional courses. The approved supervising instructor shall be responsible for any other instructor or guest instructor and shall be responsible for assuring the quality of the instructional course.

E. All instructors must possess the necessary qualifications to enable them to teach the program and to present the instructional material. Special consideration may be granted by the commissioner or the council with commissioner's approval where it is felt that the specific background of the instructor warrants such consideration. The qualifications for instructors shall include as a minimum the following:

1. For supervising instructors, five years of insurance and/or educational experience satisfactory to the commissioner and council.

2. Instructors will not be qualified who have received disciplinary action for insurance related practices by the Louisiana Insurance Department, the Insurance Department of another state, or any similar regulatory body or court.

The commissioner shall have the authority to waive this requirement after a public hearing to determine the applicant's qualifications has been held and findings of such hearing warrant such a waiver.

F. For all instructors, except those specified in Section B of this Part, the supervising instructor shall submit a form Appendix 2 for each instructor who will participate in the instructional course.

#### VIII. Training Facility Requirements

The provider shall furnish training facility descriptions when applying to become an approved provider of an instructional program. Minimum acceptable training facility characteristics are:

A. an atmosphere conducive to educational presentation, including good housekeeping, controlled environment as to heating and cooling, proper lighting, proper furnishings;

B. the facility shall be easily accessible and secure for the safety of the student;

C. the instructional area of the facility should be for the exclusive use for the instructional course while in session;

D. readily accessible human needs should be considered when selecting a facility;

E. training aids, overhead viewing equipment availability and a proper visual layout of the classrooms should be addressed;

F. in the event that proper facilities are not available as previously described, the provider shall furnish specific description of the available facility for approval by the commissioner or the council.

IX. Program Review

The commissioner, insurance department staff and the Insurance Education Advisory Council shall have the authority to visit a training facility and review the provider's program at any time. Said visits can include the review of curriculum records, review of attendance records, and observation of instructional sessions in progress, which must be accessible at all times during instructions.

X. Licensing Procedure of Applicant

A. The required instructional course must be completed prior to the applicant's taking the insurance licensing examination administered by the Insurance Department. The applicant must have successfully completed the instructional course no more than 12 months prior to taking the examination.

B. The supervising instructor or the designated official of the program provider shall provide an original list reflecting each individual who has successfully completed the required course and shall provide a certificate of successful completion to each participant. The list shall contain the name, address and social security number of all successful individuals and must be forwarded to the Department of Insurance within 15 working days of course completion.

XI. Fees

A certification fee of \$250 will be charged to each applicant seeking certification of a program of instruction to qualify individuals to take an insurance agent's licensing examination in the state of Louisiana. The commissioner of insurance may require the posting of a fidelity bond sufficient to safeguard the interests of consumers of this service, however, in no event shall such bond exceed \$100,000.

XII. Complaints

The commissioner or the council at the direction of the commissioner shall review all complaints lodged against the provider or instructor of the program; and such complaints shall be lodged by a notarized affidavit of a student of said course. A hearing may be called for the purpose of investigating the complaint and/or taking necessary action to resolve the complaint. Any disciplinary action required shall be taken by the commissioner in accordance with Part 29 of the Louisiana Insurance Code, R.S. 22:1351-67.

XIII. Violations

Pursuant to the authority of the commissioner, the approval of a provider's program of instruction may be suspended or revoked for violation of the rule set forth herein and/or any pertinent provisions of the Louisiana Insurance Code upon notice and hearing. Said hearing shall be held in accordance with Part 29 of the Louisiana Insurance Code, R.S. 22:1351-67.

XIV. Expiration Date

A. The rule set forth herein shall expire three years after it becomes effective if the commissioner does not call for a hearing 30 days prior to the expiration date to determine whether the rules should remain in effect, be revised, or allowed to expire.

B. In the event modification of this rule is thought to be necessary, 20 days notice of a hearing shall be given.

C. In the event the statutes pertaining to Section II are changed requiring modification of this rule, 20 days notice of hearing shall be given.

TO: STATE OF LOUISIANA  
COMMISSIONER OF INSURANCE  
LICENSING DIVISION  
P.O. BOX 94214  
BATON ROUGE, LOUISIANA 70804-9214

APPLICATION FOR APPROVAL AS A PROVIDER OF INSURANCE COURSES  
PURSUANT TO ACT 840 OF THE 1988 REGULAR LEGISLATIVE SESSION

NAME OF PROVIDER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

(ATTACH THE APPLICABLE CHANGES)

- 1) COURSE OUTLINE
- 2) LIST OF RESOURCE MATERIAL
- 3) RESUME OF SUPERVISING INSTRUCTOR OR DIRECTOR
- 4) DESCRIPTION OF TRAINING FACILITIES TO BE USED
- 5) CLASS SCHEDULES AND LOCATIONS
- 6) COST TO PARTICIPATE

\_\_\_\_\_  
(PROVIDER)

\_\_\_\_\_  
(SIGNATURE OF PROVIDER REPRESENTATIVE)

\_\_\_\_\_  
(DATE)

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISAPPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

APPENDIX 2

APPLICATION FOR APPROVAL AS AN INSTRUCTOR OF INSURANCE COURSES  
PURSUANT TO ACT 840 OF THE 1988 REGULAR LEGISLATIVE SESSION

PROVIDER \_\_\_\_\_

INSTRUCTOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

OCCUPATION \_\_\_\_\_

Qualifications \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have \_\_\_\_\_ or have not \_\_\_\_\_ received disciplinary action for insurance related practices by the Louisiana Insurance Department, the Insurance Department of another state, or any similar regulatory body or court.

\_\_\_\_\_  
Signature of Instructor

\_\_\_\_\_  
Signature of Supervising Instructor

\*\*\*\*\*

APPROVED BY \_\_\_\_\_ DATE: \_\_\_\_\_

DISAPPROVED BY \_\_\_\_\_ DATE: \_\_\_\_\_

Douglas D. Green  
Commissioner

## RULE

### Department of Natural Resources Office of Conservation

#### STATEWIDE ORDER NO. 29-Q-1

Pursuant to power delegated under the laws of the state of Louisiana including but not limited to Chapter I of Title 30 of the Louisiana Revised Statutes of 1950 and particularly Sections 21 and 204 of said Title 30, which authorizes the commissioner of conservation, among other things, to periodically review the fees collected by his office, and after a public hearing was held in Baton Rouge, LA on May 25, 1989 under Docket No.89-239, the following rules, regulations, fees, and schedules are promulgated by the commissioner of conservation as being reasonably necessary to govern the applications, permitting, monitoring, and maintaining of operations and activities within the regulatory jurisdiction of the Office of Conservation, and to otherwise carry out the laws of this state:

#### I. Definitions

*Application for Unit Termination* - an application for unit termination as authorized by Statewide Order 29-L.

*Application for Substitute Unit Well* - an application for a substitute unit well as authorized by Statewide Order 29-K.

*Application for Public Hearing* - an application for a public hearing as authorized by LSA-R.S. 30:6B.

*Application for Multiple Completion* - an application to multiply complete a new or existing well in separate common sources of supply, as authorized by Statewide Order 29-C.

*Application to Commingle* - an application for authority to commingle production of gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation, as authorized by Statewide Order 29-D.

*Application for Automatic Custody Transfer* - an application for authority to measure and transfer custody of liquid hydrocarbons by the use of methods other than customary gauge tanks, as authorized by Statewide Order 29-G.

*Application for Noncommercial Injection Well* - an application to construct a Class I, II, III, or V noncommercial injection well, as authorized by Statewide Orders 29-B, 29-M, and 29-N-1, or successor regulations.

*Application for Commercial Class I Injection Well* - an application to construct a commercial Class I injection well, as authorized by Statewide Order 29-N-1, or successor regulations.

*Application for Commercial Class I Injection Well (Additional Wells)* - an application to construct additional Class I injection wells within the same filing, as authorized by Statewide Order 29-N-1, or successor regulations.

*Application for Commercial Class II Injection Well* - an application to construct a commercial Class II or Class V injection well, as authorized by Statewide Order 29-B, or other applicable regulations.

*Application for Commercial Class II Injection Well (Additional Wells)* - an application to construct additional Class II or Class V injection wells within the same filing, as authorized by Statewide Order 29-B, or other applicable regulations.

*Annual "Inspection" Fee* - an annual regulatory fee for inspection, monitoring and regulatory maintenance of all production wells, as authorized by LSA-R.S. 30:21. Stripper crude oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation on January 1 of each year are exempt from this requirement.

*Application for Permit to Drill (Minerals)* - an application

to drill in search of minerals, as authorized by LSA-R.S. 30:204.

*Application to Amend Permit to Drill (Minerals)* - an application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by LSA-R.S. 30:204 C.

*Application to Renew Permit to Drill (Minerals)* - an application to renew a permit to drill for minerals, as authorized by LSA-R.S. 30:204 B.

*Application to Amend Permit to Drill (Injection or Other)* - an application to alter, amend, or change a permit to drill an injection, or other well after its initial issuance, as authorized by LSA-R.S. 30:21.

*Application to Renew Permit to Drill (Injection or Other)* - an application to renew a permit to drill an injection, or other well, as authorized by LSA-R.S. 30:21.

*Application for Well Classification (NGPA)* - an application requesting the classification of a well, as authorized by Section 503 of the Natural Gas Policy Act of 1978.

*Application for Surface Mining Exploration Permit* - an application to drill test holes or core holes for the purpose of determining the location, quantity, or quality of a coal or lignite deposit, as authorized in Statewide Order 29-0-1, or successor regulations.

*Application for Surface Mining Development Operations Permit* - an application to remove coal, lignite, or overburden for the purpose of determining coal or lignite quality or quantity or coal or lignite mining feasibility, as authorized by Statewide Order 29-0-1, or successor regulations.

*Application for Surface Mining Permit* - an application for a permit to conduct surface coal or lignite mining and reclamation operations, as authorized by Statewide Order 29-0-1, or successor regulations.

*Application to Process Form R-4* - an application for authorization to transport oil from a lease as authorized by Statewide Order No. 25.

*Class I Injection Well* - Class I injection wells within the state used to inject hazardous, industrial, or municipal wastes into the subsurface, which fall within the regulatory purview of Statewide Order No. 29-N-1, or successor regulations.

*Type A Facility* - commercial oilfield waste disposal facilities within the state that utilize technologies appropriate for the receipt, treatment, storage, or disposal of oilfield waste solids and liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B, Section XV, or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

*Type B Facility* - commercial oilfield waste disposal facilities within the state that utilize underground injection technology for the receipt, treatment, storage, or disposal of only produced saltwater, oilfield brine, or other oilfield waste liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B, Section XV, or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

*Application Fee* - an amount payable to the Office of Conservation for processing, reviewing, and administering an application requesting authority to conduct an activity or operation subject to the regulatory jurisdiction of the Office of Conservation.

*Regulatory Fee* - an amount payable annually, or otherwise, to the Office of Conservation for a particular operation or activity within the regulatory jurisdiction of the Office of Conservation, for the purpose of permitting, monitoring, and maintaining regulatory control of the particular operation or activity by

the Office of Conservation.

*Production Well* - any well which has been permitted by and is subject to the jurisdiction of the Office of Conservation, excluding wells in the permitted and drilling in progress status, Class II injection wells, liquid storage cavity wells, commercial salt water disposal wells, Class V injection wells, wells which have been plugged and abandoned, wells which have reverted to landowner for use as a fresh water well (Statewide Order No. 29-B, Section XIX.G), multiply completed wells reverted to single completion, and stripper oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation.

*Emergency Clearance* - Emergency authorization to transport oil from lease.

## II. Fee Schedule

### 1. Application Fees

- A. Application for Unit Termination - \$200.
- B. Application for Substitute Unit Well - \$200.
- C. Application for Public Hearing - \$600.
- D. Application for Multiple Completion - \$100.
- E. Application to Commingle - \$200.
- F. Application for Automatic Custody Transfer - \$200.
- G. Application for Noncommercial Injection Well - \$200.
- H. Application for Commercial Class I Injection Well - \$1,000.
- I. Application for Commercial Class I Injection Well (Additional Wells) \$500.
- J. Application for Commercial Class II Injection Well - \$500.
- K. Application for Commercial Class II Injection Well (Additional Wells) - \$250.
- L. Application for Permit to Drill (Minerals) (<3,000') - \$100.
- M. Application for Permit to Drill (Minerals) (3,001' - 10,000') - \$500.
- N. Application for Permit to Drill (Minerals) (10,001' +) - \$1,000.
- O. Application to Amend Permit to Drill (Minerals) - \$100.
- P. Application to Renew Permit to Drill (Minerals) - \$100.
- Q. Application to Amend Permit to Drill (Injection or Other) - \$100.
- R. Application to Renew Permit to Drill (Injection or Other) - \$100.
- S. Application for Well Classification (NGPA) - \$200.
- T. Application for Surface Mining Exploration Permit - \$50.
- U. Application for Surface Mining Development Operations Permit - \$75.
- V. Application for Surface Mining Permit - \$1,750.
- W. Application to Process Form R-4 - \$25.
- X. Application to Reinstate Suspended Form R-4 - \$50.
- Y. Application for Emergency Clearance Form R-4 - \$50.

### 2. Regulatory Fees

- A. Operators of each permitted Class I Injection Well are required to pay an annual Regulatory Fee of \$7,000 per Class I Injection Well. Such payments are due within 30 days of receipt of invoice from the Office of Conservation.
- B. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of \$5,000 per facility. Such payments are due within 30 days of receipt of invoice from the Office of Conservation.
- C. Operators of each permitted Type B Facility are re-

quired to pay an annual regulatory fee of \$2,500 per facility. Such payments are due within 30 days of receipt of invoice from the Office of Conservation.

D. Operators of all production wells are required to pay an annual regulatory fee ("Inspection Fee") of \$50 per well. Such payments are due within 30 days of receipt of invoice from the Office of Conservation. Stripper crude oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation on January 1 of each year are exempt from this requirement.

E. Operators of each Class II Injection Well are required to pay an annual Regulatory Fee of \$50 per well. Such payments are due within 30 days of receipt of invoice from the Office of Conservation.

F. Operators of record, including but not limited to operators of oil and/or gas wells, gasoline/cycling plants, refineries, oil/gas transporters, and/or certain other activities subject to the jurisdiction of the Office of Conservation are required to pay an annual registration fee of \$100. Such payment is due within 30 days of receipt of invoice from the Office of Conservation.

## III. Failure to Comply

A. Operators of operations or activities defined in Section I are required to timely comply with this order. Failure to comply within 30 days past the due date of any required regulatory fee payment may subject the operator to civil penalties under LSA-R.S. 30:18 and LSA-R.S. 30:6 G, and may be cause to immediately suspend operations of the particular operations or activities and schedule a public hearing to show cause why the permit for the particular operations or activities should not be revoked.

B. Failure to timely submit the required application fee payment will result in application denial or being held in suspension.

## IV. Severability and Effective Date

1. The fees set forth in Section II are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order 29-Q-1, and if any such individual fee is held to be unacceptable, pursuant to LSA-R.S. 49:968(H)(2), or held invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this order are severable.

2. This order supersedes Statewide Order No. 29-Q, and shall be effective as of July 20, 1989.

J. Patrick Batchelor  
Commissioner of Conservation

## RULE

### Department of Natural Resources Office of Conservation

#### Pipeline Division

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly under Section 753 of Title 30 of the Louisiana Revised Statutes of 1950, after due notice having been given and all legal delays observed, after public hearing held under Docket Number PL 89-33 in Baton Rouge, Louisiana, on the first day of June, 1989, and after publication



of intent as required by the Administrative Procedure Act, R.S. 49:950 et seq., the rules and regulations establishing minimum safety standards for hazardous liquids pipeline facilities are adopted by the Commissioner of Conservation as being necessary for the regulation of hazardous liquids pipeline facilities in accordance with R.S. 30:753.

A copy of these rules and regulations may be obtained by contacting John "Ed" Land, Office of Conservation, Pipeline Division, Box 94275, Baton Rouge, LA 70804-9275, (504) 342-5585 or by coming in person to Room 219, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

J. Patrick Batchelor  
Commissioner of Conservation

#### **RULE**

##### **Department of Social Services Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, adopts the following rule in the Refugee Cash Assistance Program.

This policy change is mandated by federal regulations as published in the *Federal Register* of Friday, February 3, 1989, Vol. 54, No. 22, pages 5463-5483.

Effective July 1, 1989, Refugee Cash Assistance recipients who have been in the United States more than six months shall be required to monthly report.

May Nelson  
Secretary

#### **RULE**

##### **Department of Social Services Rehabilitation Services**

The Department of Social Services, Rehabilitation Services, has adopted the following rule for Training at a Proprietary School.

This change in policy mandates a pre-requisite for placing a client in a proprietary school training program and limits Rehabilitation Services sponsoring part-time students in the Proprietary School setting.

Effective July 20, 1989, Rehabilitation Services' Policy for Proprietary School Training will be the following:

1. Pre-requisite for Placing a Client in a Proprietary School Training Program. Prior to placing a client in a proprietary training program, the counselor must obtain documentation that the client meets the Occupational Aptitude Pattern (OAP) structure or correlating requirements for the selected vocational goal. The OAP or correlating requirements will be documented using one of the following:

- a. Psychological testing
- b. GATB testing
- c. Vocational assessment (independent of the training facility)

2. If the disability of a severely handicapped client prevents the preceding factors from being applicable, a comprehensive vocational evaluation done by a state or private rehabilitation facility indicating and recommending that the individual has ability to achieve acceptable levels of performance may be used in lieu of the above pre-requisite.

3. Rehabilitation Services will not sponsor part-time students in proprietary schools unless the following two criteria are met:

a. The tuition cost of the part-time study to complete the course does not exceed the tuition cost of regular course participation.

b. The severity of the clients' disability presents temporary circumstances for a period not to exceed 25 percent of the time normally required to complete the curriculum in question. If the client is then unable to resume a full-time schedule, alternatives to training should be pursued. Clients without a medical reason should not drop below a full-time schedule.

May Nelson  
Secretary

#### **RULE**

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

In accordance with the notice of intent published in the May 1989 *Louisiana Register*, the Wildlife and Fisheries Commission, at its regular monthly meeting in July hereby adopts regulations on open hunting season dates, bag limits, methods of taking, and rules and regulations on department-operated wildlife management areas for the period October 1, 1989-April 30, 1990. Authority to establish regulations is vested in the commission by Section 115(A) of Title 56 of the Louisiana Revised Statutes of 1950.

#### **SUMMARY OF 1989-90**

##### **HUNTING SEASON REGULATIONS**

Quail: Nov. 23-Feb. 28. Daily bag limit 10, possession 20.

Rabbit: Oct. 7-Feb. 28. Daily bag limit 8, possession 16.

Squirrel: Oct. 7-Jan. 14. Daily bag limit 8, possession 16.

Deer: One per day. 6 per season.

Area 1 - 56 days

9 days still hunt only: Nov. 18-26

7 days still hunt only: Dec. 2-8 (muzzleloader only)

40 days with or without dogs: Dec. 9-Jan. 17

Area 2 - 56 days

23 days still hunt only: Nov. 4-26

7 days still hunt only: Dec. 2-8 (muzzleloader only)

26 days with or without dogs: Dec. 9-Jan. 3

Area 3 - 56 days

23 days still hunt only: Nov. 4-26

7 days still hunt only: Dec. 2-8 (muzzleloader only)

26 days still hunt only: Dec. 9-Jan. 3

Area 4 - 46 days  
9 days still hunt only: Nov. 18-26  
7 days still hunt only: Dec. 2-8 (muzzleloader only)  
30 days still hunt only: Dec. 9-Jan. 7

Area 5 - 16 days  
9 days still hunt only: Nov. 18-26  
7 days still hunt only: Dec. 2-8 (muzzleloader only)

Turkey: One per day. 3 per season

Area A - 30 days. Mar. 31-Apr. 29  
Area B - 37 days. Mar. 17-Apr. 22  
Area C - 9 days. Apr. 21-29

For those interested, a more detailed copy of the rules and regulations is available upon request to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle  
Secretary

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Pursuant to the authority granted under Louisiana Revised Statutes, Title 56, Section 22, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Lake Bistineau, Bienville, Bossier, and Webster Parishes, Louisiana. The net ban will become effective August 1, 1989.

Virginia Van Sickle  
Secretary

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby adopts the following regulations governing the seizure, forfeiture and disposition of quadrupeds, birds, fish, nets and other equipment.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part I. Wildlife and Fisheries Commission and Agencies Thereunder

#### Chapter 3. Special Powers and Duties

#### Subchapter B. Enforcement Officers

#### §303. Responsibilities and Powers of Enforcement Officers

A. Responsibilities of the Chief of the Enforcement Division and Law Enforcement Officers

1. The chief of the Enforcement Division of the Department of Wildlife and Fisheries shall be responsible for the adherence to and implementation of these regulations and the rules of evidence relating to seizures and criminal prosecution.

2. In any investigation or arrest where objects (guns, nets, traps, boats, motors, or other evidence) are vital to the case and necessary for prosecution, they will be seized, and properly tagged. Receipts are to be issued for seized items. All seized equipment shall be turned in immediately to the Enforcement Division regional supervisor who shall be responsible for maintaining records and providing secure storage. However, the agent seizing any gun, net, boat, motor, or other evidence is responsible if the items seized are lost, stolen, or damaged while in his possession. All gear including, but not limited to boats, motors, guns, nets, trawls, vehicles, lights, and traps when found abandoned or unattended and used in violation of law shall be seized and turned in to the department immediately. Any game birds, game quadrupeds, game fish, commercial fish, non-game quadrupeds, and endangered and protected species seized in connection with abandoned or unattended equipment shall be disposed of in accordance with the following procedures.

3. The department, through the Enforcement Division, shall maintain records of all seizures, forfeitures, and releases and shall obtain an appropriate receipt from the possessor or owner of any quadruped, fish, bird, net, trap, gun, boat, light or other equipment, or the proceeds from the sale thereof, that is released by the department.

4. Any release of the above based upon a withdrawal or nolle prosequi of the charges shall require a certified copy of the said withdrawal or nolle prosequi to be filed with the chief of the Enforcement Division before the seized items can be released.

5. All proceeds from any sale of any quadruped, fish, bird, or equipment which is not ordered returned to the possessor or owner thereof shall be deposited in the conservation fund unless otherwise provided by statute or Deed of Donation, subject to a reasonable administrative cost to be retained by the agency selling on behalf of the department.

#### B. Perishable Evidence and Live Animals

##### 1. Perishable Evidence

a. Game Quadrupeds, Game Birds, Outlaw Birds, Game Fish, and Commercial Fish Which Cannot be Sold

i. All game quadrupeds, game birds, outlaw birds, game fish and commercial fish which, because of illegal size or other factors, cannot be sold, which are seized by agents, officers or employees of the department, or other peace officers of the state, shall be donated to charitable organizations, or persons receiving social welfare benefits (i.e., food stamps or Aid to Families with Dependent Children). Donations to persons receiving social welfare benefits shall be subject to applicable laws and regulations governing possession limits. If donation is not possible, then the reasons therefor shall be reflected in the case report, and the seized animals shall be destroyed.

ii. The officer, agent, or employee donating game quadrupeds, game birds or game fish shall obtain a receipt (Form ED-16) which shall be attached to the offense report of the violation in which the quadrupeds or fish were seized. Additionally, where donations are made to persons receiving social welfare benefits, the officer, agent or employee shall also attach documentary evidence of the person's eligibility for said benefits.

##### b. Commercial Fish and Non-Game Quadrupeds

i. All commercial fish of legal size and non-game quadrupeds, when seized by agents, officers or employees of the department, or other peace officers of the state shall be sold,

whenever possible, by the officer making the seizure.

The officer shall obtain three bids from licensed dealers, if and when possible, and shall sell to the highest bidder.

ii. The offense report of the violation in which the fish and non-game quadrupeds were seized shall reflect the names of the companies, the amounts of the bids and the names of the persons making the bids. The money recovered from such sale shall be delivered to the chief of the Enforcement Division and kept in escrow by the department until final disposition of the criminal charges. In the event the arresting and seizing officer cannot obtain a sale, the commercial fish and non-game quadrupeds will be donated in accordance with the provisions of Subsection B.1.a. above, or held by the department until it is no longer needed for prosecution, at which time it shall be destroyed or disposed of as the secretary of the department shall determine.

c. Oysters and Menhaden

Oysters and menhaden or other herring-like fishes shall be disposed of in accordance with the provisions of R.S. 56:58 C. and D.

d. Protected or Endangered Species

Protected or endangered species shall be retained, or an evidentiary sample in accordance with Subsection B.1.e. below shall be retained, until the case is resolved and it is no longer needed for evidence, at which time it shall be donated for scientific or educational purposes as determined by the secretary. If no such donation is possible, it shall be destroyed.

e. Evidentiary Sample

With regard to all perishable evidence upon which criminal charges are pending and which is to be donated or sold in accordance with B.1.a, b or c above, the following procedure shall be employed prior to the sale or donation:

i. Remove, tag, and keep an evidentiary sample to be destroyed or donated in accordance with Subsection B.1.d. above upon disposition of case.

ii. Take pictures of entire lot of seizure.

f. Unfitness for Human Consumption

Should the seizing officers have reason to believe that the seized animal(s) is unfit for human consumption, then it shall not be sold or donated (except for scientific or educational purposes) and shall be destroyed.

2. Live Animals

All live quadrupeds, live birds or live fish seized in connection with a violation shall be returned to its wild habitat or the waters of the State of Louisiana, if possible. If this is not possible or feasible for reasons as determined by the chief of the Enforcement Division, or for biological reasons as determined by department staff, the live quadrupeds, live birds and live fish confiscated and seized shall be donated by the department to zoos or other appropriate educational and scientific research institutions, or at the discretion of the secretary in accordance with the provisions of B.1.a.i. If donation is not appropriate then said animals shall be destroyed.

C. Nets, Traps, Guns, Boats, Lights and Other Equipment

1. General Provisions

All nets, traps, guns, boats, lights and other equipment shall be held as evidence by the department until there is a final disposition of the charges or until ordered released by the court with jurisdiction of the violation. Said release or order shall be in writing and directed to the secretary of the department. All such equipment which has been forfeited, or which is unclaimed or unreleased for a period of three years shall be sold at public auction to the highest bidder; provided, however that if the

equipment is of illegal specifications, or if the chief of the Enforcement Division determines that sale is not economically feasible because of the value of the items, transportation costs or other factors, then said equipment shall be destroyed or shall be used in accordance with Paragraph 2, in the secretary's discretion.

Equipment of illegal specifications is that which by design, size, length, mesh size, material composition or construction cannot be lawfully used for the taking of quadrupeds, birds, fish or other resources in the State of Louisiana.

2. Use of Equipment by Department Personnel

All seized nets, traps, guns, boats, lights and other equipment which the department has held for three years, or which has been forfeited to the department or the commission, may be used by department personnel as determined by the secretary, including, but not limited to, enforcement, research and educational purposes such as displays and hunter's education. This disposition and use may be exercised in lieu of sale when the secretary determines that it is in the best interest of the department.

3. Unattended Nets

All unattended nets which remain unclaimed for a period of 30 days shall be sold, used or destroyed in accordance with the above provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15: (July 1989).

Virginia Van Sickle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3306, notice is hereby given that the Structural Pest Control Commission is considering new rules and regulations or amendments to existing rules and regulations.

**Title 7**  
**AGRICULTURE AND ANIMALS**  
**Part XXV. Structural Pest Control**

**Chapter 141. Structural Pest Control Commission**  
**§14101. Definitions**

*Certified applicator* for purposes of these regulations, means any person who holds a valid license as herein provided or otherwise known as licensee.

*Direct Supervision* means physical contact as least twice within five consecutive working days by a licensee with all employees registered under his supervision, including giving routine and/or special instructions, prescribing pesticides, calculating volume of pesticides to be applied, calibrating equipment and being available, whenever and wherever needed, to handle any emergency situations which might arise (see definition of availability in §14101).

*Household Pest* means all species of insects and other pests which infest residences and other types of buildings and their immediate premises, such as cockroaches, flies, fleas, mosquitoes, clothes moths, spiders, carpenter ants, carpenter bees, rodents and so forth, but does not include wood-destroying organisms.

*Material Safety Data Sheet (M.S.D.S.)* means a document which states chemical characteristics and safety precautions regarding a specific chemical.

*Restricted-use pesticide* means a pesticide that is classified for restricted use by the administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act and/or by the Louisiana Department of Agriculture and Forestry.

*Violation* means any act which is prohibited by the ACT or any of these rules and regulations. Violations shall be classified in accordance with degree of severity, as follows:

1.-2. . . .

3. *Major violation* - any act which may adversely affect human health and safety. Any act performed without having the proper permit, license, or registration; any intentional misrepresentation of any matter involved in or related to structural pest control work; or any false or misleading statement knowingly made in a wood infestation report or any failure to timely pay any civil penalty imposed by the commission or any failure to timely pay any fee collected by the Louisiana Department of Agriculture and Forestry.

*Wood-Destroying Insect Report* means any document approved by the Structural Pest Control Commission issued by a pest control operator which pertains to wood-destroying insects, but not including a bid, a proposal or a contract for any structural pest control services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14105. Permit for Operation of Structural Pest Control Business Required**

A. . . .

B. No permit for operation shall be issued by the commission unless there is a licensee domiciled on a full-time basis at the business location for which the permit is sought.

C. . . .

D. The fee for issuance of a permit for operation shall be

\$125 for firms which employ two or less employees and \$175 for firms which employ three or more employees.

E. The fee for renewal of a permit for operation shall be \$125 for firms which employ two or less employees and \$175 for firms which employ three or more employees.

F.-Q. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14107. License to Engage in Structural Pest Control Work Required; Qualifications of Applicant; Requirements for Licensure; Phases of Structural Pest Control License; conditions of the License**

A. . . .

B. Each applicant for license must possess one of the following qualifications in order to take the examination(s):

1. a degree from an accredited four-year college with a major in entomology; or

2. a degree from an accredited four-year college or university with at least 12 semester hours of course work in entomology and at least one year of experience as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

3. four years of experience as a registered technician under the supervision of a licensee in the licensee phase for which the applicant desires to take the examination; or

4. four years of experience as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission;

5. four years of experience as an inspector for the Louisiana Department of Agriculture and Forestry within the Office of Agricultural and Environmental Sciences may be substituted for the four years experience as a technician under the supervision of a licensee. Applicants seeking licensure on the basis of this statement must provide a notarized statement from the assistant commissioner for Agricultural and Environmental Sciences attesting to the period of employment and the capacity in which the applicant was employed, said affidavit to be executed on a form approved by the commission.

C.-D. . . .

E. In addition to the qualifications required by LAC 7:14107 (B) and LAC 7:14107 (C), each applicant for licensure must:

1.-4. . . .

5. provide a certificate of insurance on a document approved by the Louisiana Department of Agriculture and Forestry of general liability as follows:

a. not less than \$250,000 coverage per accident;

b. not less than \$100,000 coverage for property damage;

c. or combined single limits of \$350,000;

d. liability insurance must provide for coverage under Insurance Code 73421 (fumigations including completed operations) and on Insurance Code 73420 (exterminating including pest control and completed operations excluding fumigation and use of gas of any kind);

e. provision for at least 10 days prior written notice to the commissioner before cancellation;

6. provide evidence, on an approved form, of a surety or fidelity bond in the amount of \$2,000, covering the business with which the applicant is connected. It must be issued by a bonding, surety or insurance company authorized to do business in Louisiana and must be of tenor and solvency satisfactory to a majority of the commission. An applicant who is not connected with a business covered by the required surety or fidelity bond must secure the appropriate coverage prior to issuance of the license. The licensee must maintain proper coverage, must keep insurance and bond in force or the licensee's place of business permit is forfeited until the proper coverage can be reinstated.

F.-N. . . .

O. Any licensee desiring to utilize a telephone answering service other than at locations holding place of business permits shall submit a written request for permission to the Structural Pest Control Commission at least 30 days prior to establishing such a telephone answering service.

P. A licensee can only have one license with all phases for which he possesses issued at one place of business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

#### **§14109. Application for Examination; Contents of Application**

A.-B. . . .

C. Each applicant for examination shall pay a fee of \$50 per examination upon approval by the Structural Pest Control Commission, which fee shall be nonrefundable.

D. Each application must contain the following information:

1.-3. . . .

4. Proof of practical experience in pest control work

a. Upon the Structural Pest Control Commission's request, the applicant shall submit from the said supervising licensee, a written statement that the jobs have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work.

b. Experience in pest control work. Information to be provided includes, but is not limited to, business name and address where employed under supervision, name of the licensee providing supervision to the applicant and evidence of registration while in the claimed employment. Applicants seeking licensure on the basis of experience must provide a notarized statement from the licensee who supervised the applicant, attesting to the period of supervised employment and the capacity in which the applicant was employed, said affidavit to be executed on a form to be provided by the Louisiana Department of Agriculture and Forestry. If the licensee who provided supervision is deceased, or his whereabouts are unknown, at the time of the application, the commission may:

i. waive the requirement for the affidavit to the licensee or;

ii. verify the applicant's supervised experience by whatever means deemed appropriate by the commission.

E.-J. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

#### **§14111. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration**

A.-B. . . .

C. The registration application of each employee must contain the following information:

1.-7. . . .

8. date of birth and social security number.

D. The fees for the registration of technician shall be as follows:

1. The fee of the administrative processing of the registration certificate shall be \$20. This fee shall be paid at the time of initial registration.

2. The administrative processing of change of registration each time a registered technician is employed by a different pest control operator shall be \$10.

3. The fee for the examination for the technician registration shall be \$25.

E. Whenever all information required under §14111.C above is provided by the licensee, the staff of the Louisiana Department of Agriculture and Forestry shall issue the employee's registration certificate within 20 working days after receipt of the registration form and/or after the applicant has successfully passed the technician examination. All technicians shall make application for registration within 30 days of employment.

F. Each registration certificate is personal to the holder and may not be transferred to another for any purpose or for any period of time and may not be utilized in any way by any person other than the registered employee whose name appears on the certificate.

G. A registration certificate is valid only while the registered employee remains under the supervision of the licensee making application for the employee's registration certificate.

H. The licensee must require the registered employee to sign the registration certificate, in the presence of the licensee, within five days after the licensee receives the registration certificate from the Louisiana Department of Agriculture and Forestry.

I. A registered employee must have his registration certificate in his possession at all times while engaging in pest control work and must display his registration certificate upon reasonable request by any employer of the Louisiana Department of Agriculture and Forestry or any person for whom pest control work is being performed.

J. A registered employee may perform pest control work only in the phase of pest control work for which he is registered.

K. Upon termination of a registered employee, the licensee must secure the employee's registration certificate, notify the Louisiana Department of Agriculture and Forestry of the employee's termination and return the registration certificate to the Louisiana Department of Agriculture and Forestry within five working days after the termination.

L. If the licensee is unable to retrieve the registration certificate of a terminated employee, the licensee must notify the Louisiana Department of Agriculture and Forestry of the employee's termination within five working days after the termination and provide written reasons for the failure to retrieve the terminated employee's registration certificate.

M. Each employee and/or registered technician shall remit to each employer all funds collected in connection with struc-

tural pest control work performed by the employee.

N. Each employer shall pay each employee and/or registered technician in accordance with the terms of the employment agreement between them.

O. Each employer shall withhold from the pay of each employee the amounts which employers are required to withhold from employees by applicable state and federal laws.

P. Each employer shall keep complete records at place of business of all structural pest control work performed for a period of at least two years. These records shall include the address of the structure treated, the name of the technician who performed the treatment, the name of the person for whom the treatment was performed, and the common name of the pesticide applied.

Q. Each registered technician shall participate in continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (July 1 to June 30):

1. each continuing education program must be approved in advance by the Louisiana Department of Agriculture and Forestry;

2. each continuing education program must be a minimum of one hour in length per category in which the technician is registered;

3. documentation of the technician attendance and participation must be forwarded to the Louisiana Department of Agriculture and Forestry and a copy retained at the technician's place of employment;

4. any registered technician who fails to attend may be called to a Structural Pest Control Commission hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

#### **§14113. Obligations of the Licensee**

A. The licensee must keep the bond and general liability insurance required under LAC 7:14107(D) in full force and effect at all times.

B.-E. . . .

F. The licensee must maintain his commercial applicator certification in current status by:

1. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;

2. recertification at least once every three years;

3. a minimum of six hours of technical training which shall include but not be limited to the categories of general pest control, termite control, and commercial vertebrate control;

4. a minimum of six hours of technical training for the category of fumigation;

5. a licensee attending an approved recertification seminar must attend the entire approved program, otherwise the licensee shall not be recertified at this approved seminar;

6. time and location for each licensee certification can be obtained by writing to the Louisiana Department of Agriculture and Forestry.

G. . . .

H. The licensee must report all termite contracts and all wood-destroying insect reports and pay all required fees as set forth in LAC 7:14115 hereof.

I. The licensee must maintain records at the place of business on all applications of pesticides for a period of two years

after application, including kinds, amounts, uses, dates and address of application. The licensee must make these records available to any employee of the Louisiana Department of Agriculture and Forestry for inspection at a reasonable time during normal working hours.

J. The licensee must renew each category in which he is licensed annually by June 31.

K. The annual fee for licensed pest control operators shall be \$5 for each category in which the pest control operator is licensed.

L. The licensee must report to the Louisiana Department of Agriculture and Forestry all termite contracts and wood-destroying insect reports completed each month on the form provided by the Louisiana Department of Agriculture and Forestry.

M. The fee per termite contract and wood-destroying insect report is \$5 per and/or inspection report issued and is due on or before the tenth day of each month.

N. The licensee must have provisions for spill control on every vehicle transporting pesticides in adequate amounts in relation to the amount of pesticide carried by that vehicle.

O. Signage of Vehicles

1. General - a motor vehicle being operated by a place of business, by a licensee or registered technician of that business who is engaged in the transport or application of pesticides must be marked as specified below:

- a. magnetic or removable signs may be used;

- b. size, shape, location and color of marking. The marking must contain the following:

- i. appear on both sides of the vehicle;

- ii. be in letters that contrast sharply in color with the background;

- iii. be readily legible during daylight hours;

- iv. lettering must be a minimum of two inches in height;

- v. be kept and maintained in a manner that retains the legibility of the information required by Subparagraph c of this Section.

- c. nature of marking — The marking must display the following information:

- i. the name or trade name of the place of business operating the vehicle.

- P. The only phone numbers that shall be used in any advertisement shall be the place of business permit phone number or the licensee's home phone number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

#### **§14115. Contracts for Termite Control Work**

A. The licensee must enter into a written agreement for termite work with the property owner employing him, which agreement must:

- 1.-4. . . .

5. Each contract must include an inspection diagram.

B.-D. . . .

E. The licensee shall pay a \$5 fee for each standard contract reported under §14115.D above when the required monthly report is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of

Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14117. Change in Status of Licensee**

A. . . .  
B. When any change in status occurs, provisions must be made for supervision at any location where there is no licensee during the interim until another licensee is approved by the commission for examination. The person in charge of the permitted location where the change in status occurred must notify the Louisiana Department of Agriculture and Forestry, in writing, of the name and address of the licensee providing supervision during the interim within 14 days after the change occurs.

C. When the change in status results in no licensee being domiciled at a permitted location, an applicant who is eligible for licensure must be approved by the commission for examination either (1) at the next meeting of the commission after the change in status occurs, or (2) within 90 days after the change in status occurs, whichever is later. During this period no use of restricted-use pesticides is permitted.

D. When the change of status is within the same company, there is no grace period.

E.-F. . . .

G. During the temporary absence of the licensee, the licensee may designate another licensee, certified in the same categories as the licensee, to perform the duties that require the physical presence of a licensee for a period of time not to exceed 30 days. For the purpose of this Chapter, temporary absence shall mean any absence where the licensee would reasonably be expected to return to his duties. The licensee shall notify the Louisiana Department of Agriculture and Forestry in writing of any such temporary absence giving the name of the substituting certified applicator jointly responsible with the licensee, and the dates of the temporary absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14119. Inactive Status of License**

A.-C. . . .

D. The license of any licensee which has been placed on inactive status must be maintained in current status as provided in §14113.F. Any license which is not maintained in current status as provided in §14113.F may be revoked by the commission upon notice and hearing as required by §14121 hereof.

E.-G. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14121. Adjudicatory Proceedings of the Commission; Violations**

A.-C. . . .

D. The commission may place a licensee/registered employee on probationary status or suspend/revoke his license/registration certificate when any of the following violations are sustained in a properly noticed adjudicatory proceeding:

1.-15. . . .

16. knowingly making any false or misleading statement

on a wood-destroying report;

17.-18. . . .

19. failure of a registered technician to attend an approved training program during any one-year period;

20. failure to maintain proper signage on vehicles or;

21. failure to keep records on all pesticide applications as required by §14113.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14127. Inspection, Taking of Samples**

A.-C. . . .

D. Samples that are requested by any other person other than for enforcement by the Louisiana Department of Agriculture and Forestry, shall be paid for by the person requesting the chemical sample. The fee shall be \$100 per analysis, plus the cost for obtaining the samples by the employee of the Louisiana Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

**§14135. Minimum Specifications for Termite Control Work**

A. . . .

B. Requirements for Trench and Treat

1. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at the rate and manner prescribed on the label and labeling. Rodding will be acceptable only when trenching will damage flowers and/or shrubs.

C. Treatment of Existing Pier Type Construction

1. Access Openings

a. Provide suitable access openings to all crawl-space areas and to all other areas requiring inspection and/or treatment for termites.

b. A minimum clearance of 12 inches from the bottom of the sill and eighteen inches from the bottom of the joists is necessary for proper treatment.

2. Required Clean-up

a. . . .

b. Trench, rod and treat any large stumps or roots that are too sound to be removed, provided that such stumps or roots are at least 12 inches from the foundation timbers. Stumps or roots located less than 12 inches from foundation timbers must be cut off to provide at least 12 inches clearance.

c. Remove all form boards that are not embedded in concrete.

3. Elimination of Direct Contact of Wood with Ground

a. Piers and stiff legs must have concrete or metal-capped bases extending at least three inches above the ground. Pressure-treated piling foundations are exempt from this requirement.

b. Wood parts which extend through concrete or masonry (such as posts, door frames or stair carriages) must be cut off and set on metal or concrete bases at least one inch above

ground level.

c. Wood steps must be placed on concrete or masonry bases which extend at least three inches above ground level, and beyond the steps in all directions. Multiple-course masonry step supports must be treated as required in §14135.C.7.a.ii and iii of this Chapter.

#### 4. Pipes

a. Remove all packing around pipes for a distance of three inches above ground level and/or trench and treat according to label and labeling.

b. . . .

#### 5. Skirting and Lattice-work

a. All cellulose skirting and lattice-work must rest on solid concrete or brick extending at least three inches above the outside grade. This base will be trenched and treated.

b. . . .

#### 6. Stucco

a. Where stucco extends to or below grade, dig trenches below and under the edge of the stucco and apply chemical as required by label and labeling.

b. Where ground slabs prevent treatment as required in Subparagraph a above, drill and treat slab as required by label and labeling. Where slab is drilled the holes must be no more than 24 inches apart.

#### 7. Masonry

Apply chemical to all porous areas, cracks and accessible voids in foundation walls, piers, chimneys, steps, buttresses, etc. as follows:

a. Treat all cracks in concrete.

b. Drill holes every second mortar joint, in all two-course brick foundations (piers, foundation walls, steps, buttresses, etc.) and thoroughly treat wall voids. L-shaped and T-shaped piers must be drilled a minimum of three times with hole spacings no more than eight inches apart. Holes must be deep enough to reach the center mortar joint and chemical must be applied under sufficient time and pressure to treat all cracks and voids. Drilling is not required when solid concrete footing extends above grade level or when wall is capped with solid concrete.

c. Drill holes in mortar joints of all three-course brick foundation walls at the end of every second brick to the depth of the end of the second brick. Apply chemical under sufficient time and pressure to treat all cracks and voids.

d. Drill holes into each compartment of each block of hollow concrete (or other lightweight aggregate) blocks and apply chemical into the openings at a rate sufficient to treat the area of the bottom of each block. On T-shaped or L-shaped piers the connecting mortar joints (crotches) must be drilled and treated. Drilling is not required if the opening in the block is accessible.

#### 8. Ground Treatment

a. . . .

b. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

#### 9. Dirt Filled Porches

a. . . .

b. Where the sill or other wood does not extend to or below the underside of the concrete slab, the fills may be drilled, rodded and flooded as follows:

i. Drill floor slab at intervals of not more than 24 inches

along the junction of the porch and the buildings; rod and treat the fill along the foundation wall of the building.

ii. . . .

c. When treating earth fills (drilling, rodding and excavation), porch foundation walls will be treated as follows:

i. Drill hollow-block walls and apply sufficient chemical to penetrate mortar joints and flow into the trench at the bottom of the foundation wall.

ii. Drill multi-course brick walls at intervals of every second brick and treat all voids, making certain that the chemical flows into the voids on both sides of the hole being treated.

#### 10. Chimney Bases and Dirt Filled Steps

a. Chimney bases and dirt filled steps shall be treated by drilling the foundation walls as outlined in Step 2 for dirt filled porches.

#### D. Treatment of Existing Slab-type Construction

##### 1. Ground Treatment

a. Trench around the entire perimeter of the structure being treated, adjacent to the foundation wall.

b. All trenches must be approximately four inches wide at the top, angled toward the foundation and sufficiently deep (approximately six inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable where trenching will damage flowers and/or shrubs. Maximum distance between rod holes shall be four inches.

##### 2. Bath Traps

a. An access hole of a minimum of 6 × 8 inches shall be provided to all bathtub plumbing. Exceptions must be approved by the Louisiana Department of Agriculture and Forestry prior to treatment.

b. If the soil in a trap does not reach the bottom of the slab, the trap must be filled to within two inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

c. A tar filled bath trap must also be drilled and treated as required by label and labeling.

d. If bath trap is solid concrete pore, it must be drilled and treated as close as practical to the bathtub plumbing.

##### 3. Other Openings in Slab

a. All showers must be drilled and treated as close as practical to shower plumbing.

b. Rod under or drill through the slab and treat all areas beneath expansion joints and cracks in the slab as per label and labeling instructions. When the slab is drilled, the holes must be no more than 24 inches apart along the above stated areas.

c. All other openings (plumbing, etc.) must be treated as required by label and labeling.

#### E. Pre-treatment of Slabs

1. Treat as required by label and labeling.

2. Within 12 months after initial treatment the outside of the foundation wall will be trenched and treated as required by label and labeling. Rodding will be acceptable where trenching may damage flowers and shrubs. Maximum distance between rod holes shall be four inches.

3. If, during the treatment of any area which will be beneath a slab foundation, the operator must leave the site for any reason prior to the completion of the application as specified in Paragraph 1 above, the operator must prominently display a poster, to be furnished by the Louisiana Department of Agriculture and Forestry, which states that the treatment of the area under the slab is not complete.

4. All pre-treatment of slabs must be called in to the near-



est Department of Agriculture and Forestry District office during normal working hours and prior to application of termiticides. The information provided will include a complete address, directions, and time of application of termiticides to the property. This phone call must be made to the district office within a minimum of 30 minutes of the time that the property is to be treated.

F. Spot Treatment

1. Spot treatment shall not be done on pier-type or slab construction except with the prior permission of the Louisiana Department of Agriculture and Forestry.

2. Treatment will be allowed to any additions to the main structure or exterior slab enclosures and a fee shall be paid and a contract issued on this addition unless the main structure is under contract with the firm performing the treatment on this addition.

3. Each spot treatment reported on the Wood-Destroying Insect Eradication Report must include a waiver of minimum specifications and a complete diagram of the area(s) treated.

G.-I. . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:

Interested parties may submit written comments on the proposed rules through 4:30 p.m., August 20, 1989 to Fred Whitford, Louisiana Department of Agriculture and Forestry, Box 3596, Baton Rouge, LA 70821.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Structural Pest Control Revision**

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

Expenditures to implement the rules will offset revenue increase. Expenditures will include man-hour and travel expenses related to regulatory work in Structural Pest Control Program. Department of Agriculture and Forestry is presently performing services pursuant to Act 244 of 1988, which increased inspections required by Agricultural and Environmental Specialists.

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

Pursuant to higher fees authorized by Act 244 of 1988, revenues in the amount of \$296,074 are currently being collected.

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

The estimated costs to pest control operators and/or consumers is \$296,074. This is presently being collected as authorized by Act 244 of 1988. The \$5 fee for the Standard Contract and Wood-Destroying Insect Report will be passed directly to consumer. Pest Control Licensees will have to pay for mandated Act 244 of 1988 technician training. The \$100 fee for chemical analysis will be charged to consumers who do not have regulatory problems.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Rules provide that all technicians have employee relationship with license holder and not be a sub-contractor pursuant to Act 244 of 1988. Proposed changes include numerous changes in minimum requirements to conform to current industry practices with currently used chemicals. This cost is already passed on to consumers.

Richard Allen  
Assistant Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Culture, Recreation and Tourism  
Office of Cultural Development  
Division of the Arts**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Division of the Arts, Office of Cultural Development, Department of Culture, Recreation and Tourism intends to revise and amend the Guide to Arts Programs, the division's rule governing the administration of arts grants (*Louisiana Administrative Code*, Title 25, Cultural Resources, Chapter 3, Section 301, et seq.).

The proposed amendments are available for examination at the office of the Division of the Arts, 900 Riverside North, Room 420, Baton Rouge, LA. Interested parties may comment on the proposed revised and amended rule in writing until 4:30 p.m., July 25, 1989, at the following address: Division of the Arts, Box 44247, Capitol Station, Baton Rouge LA 70804.

A public hearing will be held at 10 a.m., July 25, 1989, at the Division of the Arts, 900 Riverside North, Room 420, Baton Rouge, LA.

Derek E. Gordon  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Guide to Arts Program**

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

There are no estimated implementation costs to state or local government units.

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

There is no estimated effect on revenue collections of state or local government units.

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

There will be savings to some non-profit groups that receive grants from the Division of the Arts due to repeal of Louisiana Administrative Code 303., B., 6., b., iii., a provision requiring all grantees to "conduct an annual, independent audit of financial operations and assure timely and appropriate resolution of audit findings and recommenda-

tions." The provision to be repealed applied primarily to organizations receiving less than \$25,000 a year in federal support.

Non-profit groups will not experience the savings if they are required to conduct an audit in compliance with the United States Tax Code and OMB Circulars dealing with reporting requirements of non-profit organizations, tax-exempt organizations.

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

There is no anticipated effect on competition and employment.

Derek E. Gordon  
Director

David W. Hood  
Senior Fiscal Analyst

### NOTICE OF INTENT

#### Department of Economic Development Board of Architectural Examiners

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the amendment of rule numbered §703 pertaining to the renewal procedure for individual architects, professional architectural corporations, and architectural-engineering corporations to implement increased fees authorized by Act 583 of the 1988 Regular Session.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

##### Part I. Architects

##### Chapter 7. The Examination

##### §703. Review of Examination and Answers of the Candidate; Reversing Grades

A. Except as set forth in the following provision, a candidate will not be permitted to review his/her examination or answers thereto.

B. On a trial basis a candidate will be permitted to review his/her solutions to Division B Graphic and Division C of the ARE at a review to be conducted by a master juror or other qualified person. Candidates choosing to attend the review will be required to pay for the cost of the review (including copying the solutions), and the review will be canceled if in the opinion of the board insufficient interest is shown.

C. The board will not reverse the grade received by a candidate from NCARB.

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

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, repromulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 15:6 (January 1989), amended LR 15:

##### §707. Reversing Grades

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of

Commerce, Board of Architectural Examiners, LR 9:333 (September 1978) amended LR 10:738 (October 1974), repealed by the Department of Economic Development, Board of Architectural Examiners, LR 15:

Interested persons may submit written comments on this proposed rule to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 8017 Jefferson Highway, Suite B2, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

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

#### Rule Title: §703 - Review of Examination and Answers of the Candidate; Reversing Grades

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

If a candidate desires to review his/her solutions to Division B Graphic and/or Division C of the Architectural Registration Examination ("A.R.E."), that candidate will be required to attend a review by a master juror of that division and pay a review fee of \$20 per division. The review fees are estimated to cover the cost of the reviews including copying the solutions. No profit/loss by the board is anticipated.

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

The total revenues collected by the board will be determined by the number of candidates who decide to participate in the reviews. Attendance at the reviews is optional. The additional duties pertaining to the reviews will be performed by existing staff.

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

If a candidate desires to review his/her solution to Division B Graphic and/or Division C of the A.R.E., the candidate will be required to attend a review by a master juror of these divisions and pay a review fee of \$20 per division. Whether a candidate choose to review his/her solutions is purely optional with that candidate.

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

This amendment removes the prohibition in the current rules against a candidate reviewing his/her solutions to Division B Graphic and Division C of the A.R.E. A few candidates have contended that a review of their solutions to these divisions would facilitate an understanding of and assist them in future examinations. If these candidates are correct, theoretically more candidates should pass these divisions which would increase the number of licensed architects. Whether a candidate's review will actually have this effect is unknown.

Mary "Teeny" Simmons  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Revision to Bulletin 741, Page 71

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed revision to Bulletin 741, page 71 to add math, writing, science, and social studies to the list of elementary elective/exploratory classes. This was adopted as an emergency rule. (See *Louisiana Register* of June, 1989 for rule.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Standard 2090.05

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

It is estimated that approximately \$100 would be needed to reprint page 71 of Bulletin 741 and to disseminate this information to local school systems.

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

There should be no effect on revenue collection at the state or local level.

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

There may be less need for more teachers with specialized certification.

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

There should be no impact on employment.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Revisions to Standards 2.090.05 and 2.090.06  
(Bulletin 741)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Department of Education's proposed revision to Standards 2.090.05 and 2.090.06 of Bulletin 741 to permit flexible time requirements in the scheduling of elementary classes. This was adopted as an emergency rule. (See *Louisiana Register* of June, 1989 for rule.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Standard 2.090.05 Standard 2.090.06

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

It is estimated that approximately \$100 would be needed to reprint the pages in Bulletin 741 and to disseminate this information to local school systems.

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

There should be no effect on revenue collected at the state or local level.

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

There may be less need for teachers with specialized certification.

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

There should be no impact on employment.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Vocational Agriculture I and II

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 agreed to accept student credits earned in Vocational Agriculture I and II as satisfying one required unit in Science. (Amendment to Bulletin 741)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Motion 12 Elementary & Secondary Committee

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

The revision and distribution of Bulletin 741 will cost approximately \$100. There should be no fiscal impact on transcripts, the LEAP test, inservice training for guidance counselors, field testing the new curriculum, and providing of new materials, equipment and supplies. Vocational agriculture departments have the necessary supplies and equipment. The LEAP test does not need to be changed as the agriculture curriculum will provide the necessary instructional material. The new curriculum materials and inservice is paid for with federal vocational funds. Guidance counselors only need to read the revised graduation requirements in Bulletin 741.

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

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

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

There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

More students will be allowed to schedule vocational agriculture since it will fulfill one of the required sciences for high school graduation. Also, there will be less pressure on class size and the science teacher shortage.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Revised Certification Requirements for Principals  
(Amendment to Bulletin 746)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the revised certification requirements for principals submitted by the Department of Education which would:

1. provide issuance of a provisional principal's endorsement upon completion of the current credit requirements,
2. require an individual employed as a principal/assistant principal on or after July 1, 1989, to enroll in a two-year internship program under the auspices of the Administrative Leadership Academy and Project LEAD while holding a provisional principal endorsement, and
3. upon successful completion of the two-year internship program, the individual would be issued a five-year renewable principal's endorsement.

The proposed revision of certification requirements for principals will become effective for all individuals applying for certification as principal on or after July 1, 1990. (Complete text of certification requirements for principals may be seen in the Office of the Louisiana Register, the Bureau of Teacher Certification and Higher Education, State Department of Education, or in the office of the State Board of Elementary and Secondary Education, Room 104 of the Education Building in Baton Rouge, Louisiana.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

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

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

It is anticipated that the cost of printing and postage associated with this rule change will be approximately \$50.

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

There will be no effect on revenue collection.

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

This proposed action will have no effect on individual or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Revised Certification Requirements for Upper Elementary Teachers  
(Grades 5-8 - Bulletin 746 Amendment)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following revised certification requirements for upper elementary grades (Grades 5-8) as recommended by the Department of Education.

These revised certification requirements are effective for freshmen entering institutions of higher education in the 1989-90 school year. Crossover provisions to allow lower elementary and secondary teachers to become certified in upper elementary grades will become effective when the revised certification requirements for upper elementary grades are adopted by the board as a rule.

Minimal Requirements for Approved Teacher Education Programs for Upper Elementary Teachers (Grades 5-8) \*  
General Education \*\*

A minimum of 68 semester hours of credit, designed to develop a broad cultural background, is required. The work must be taken in the following five areas:

1. English: A minimum of 18 semester hours, including three semester hours in grammar and three semester hours in

composition and three semester hours in advanced grammar and/or composition;

2. Social studies (anthropology, economics, geography, history, political science, sociology): A minimum of 18 semester hours, including at least three semester hours in geography other than geography of a state and three semester hours in Louisiana history;

3. Science: A minimum of 16 semester hours, including at least three semester hours in biological science and at least three semester hours in physical science;

4. Mathematics: A minimum of 12 semester hours including college algebra and introductory geometry;

5. Health and Physical Education: A minimum of four semester hours.

**Professional Education**

A minimum of 30 semester hours of credit in professional education courses is required. The work must be taken in the following six areas:

1. at least three semester hours of history of education, introduction to education, foundations of education, and/or philosophy of education;

2. at least three semester hours in educational psychology and/or principles of teaching;

\*Mandatory for freshmen entering institutions of higher education in the 1989-90 school year.

\*\*\*"Universities which wish to require three hours of computer science of students should require a minimum of nine hours in mathematics and a minimum of 13 hours in science."

3. at least three semester hours in The Introduction to the Study of Exceptional Children;

4. at least nine semester hours of professional teacher education courses appropriate to the upper elementary level including three semester hours in Psychology/Characteristics of the Upper Elementary School Child, and six semester hours in the teaching of reading, including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction;

5. at least three semester hours in upper elementary school curriculum and instructional strategies;

6. at least nine semester hours in student teaching at the upper elementary level.

The student teaching shall be under the control and supervision of the institution in which the student teacher is enrolled. Whether or not the school in which the student teaching is done is administered by the institution, the regular teacher under whose direction the student teaching takes place shall be a representative of or approved by the school of education or department of education of the institution and shall be certified as a supervisor of student teaching. Student teaching in the summer shall be permitted only if the school has a 12-month school year or a bona fide full school year.

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis. The teacher education program shall include (1) practical experience in actual classroom situations during a student's sophomore year, and (2) field experiences in schools with varied socioeconomic and cultural characteristics.

For those students pursuing a double major in upper elementary and lower elementary, the student teaching requirements will be equally divided between upper elementary grades

(5-8) and lower elementary grades (1-4).

**Specialized Academic Education**

The minimal requirements for all upper elementary school teachers, in addition to the general education and professional education listed above, are as follows:

- 1. Speech . . . . . 3 semester hours
- 2. Art . . . . . 3 semester hours
- 3. Music . . . . . 3 semester hours
- 4. Health and physical education appropriate for upper elementary school . . . . . 3 semester hours

**Adding Upper Elementary Grades Certification to a Lower Elementary Grades Teaching Certificate**

The holder of a valid Louisiana teaching certificate at the lower elementary level may have upper elementary grades certification added to this certificate by completing:

- 1. at least three semester hours in adolescent psychology;
- 2. at least three semester hours in upper elementary school curriculum and instructional strategies;

3. the academic courses required for upper elementary grades certification under the General Education requirements;

- a. Certification is awarded in individual academic areas (English, Social Studies, Science, Mathematics) if the requirements under general education for upper elementary school teachers are met in any of the four areas.
- b. Certification is awarded in upper elementary grades (all subjects) if all requirements under general education for upper elementary school teachers are met.

- 4. a practicum at the upper elementary school level; or three years of successful teaching experience at the upper elementary school level.

**Adding Upper Elementary Grades Certification to a Secondary Teaching Certificate**

The holder of a valid Louisiana teaching certificate at the secondary level may have upper elementary grades certification added to this certificate by completing:

- 1. at least three semester hours in child psychology;
- 2. at least three semester hours in upper elementary school curriculum and instructional strategies;
- 3. a practicum at the upper elementary school level; or three years of successful teaching experience at the upper elementary school level.

Certification is awarded in the teaching area in which the secondary teacher is certified.

**Louisiana Teacher Certification Present Requirements**

CERTIFICATION	LEVEL	PROGRAM	ADD-ON	AREA
Nursery-				
Kindergarten	N-K	Yes	Yes	All Subjects
Elementary	1-8	Yes	No	All Subjects
				Individual
Secondary	7-12	Yes	No	Subjects

**\*PROPOSED REQUIREMENTS**

CERTIFICATION	LEVEL	PROGRAM	ADD-ON	AREA
Nursery-				
Kindergarten	N-K	Yes	Yes	All Subjects
Lower Elementary	1-4	Yes	No	All Subjects
Upper Elementary	5-8	Yes	Yes	All Subjects
				Individual
Upper Elementary	5-8	No	Yes	Subjects
				Individual
Secondary	9-12	Yes	No	Subjects

\*MANDATORY: Freshmen entering institutions of higher education in the

1990-91 school year

Individuals certified under the present requirements will not be affected by the proposed changes.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Upper Elementary Grades**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is anticipated that the cost of printing and postage associated with this rule change will be approximately \$50.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This proposed action will have no effect on individual or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Louisiana State Plan for Adult Education,  
1989-1993**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The sum of \$3,539,339 was appropriated in state funds for FY 88-89. Funding from the Quality Education Support Fund, 8(g) totaled \$672,500. A total of \$6.6 million in federal and state funds will be used to implement the adult education program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The State Department of Education is expected to receive \$2,392,528 in federal funds.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The cost per student contact hour was \$1.79 for FY 1987-88. This figure translates into \$141.68 per student enrolled in the statewide adult education program. Those students who receive a high school equivalency diploma become more employable, productive, and responsible citizens.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The adult education program creates full-time and part-time positions for approximately 573 teachers, 86 administrators, and 250 paraprofessionals and other support personnel. There is no estimated effect on competition.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

State Plan for Adult Education

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the new four-year Louisiana State Plan for Adult Education, 1989-1993. Copies of the plan may be seen in the office of the Louisiana Register, the Bureau of Adult Education, State Department of Education, or in the office of the State Board of Elementary and Secondary Education, Room 104 of the Education Building in Baton Rouge, Louisiana.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Vocational Education State Plan

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the program plan for the Administration of Vocational Education as recommended by the department. Copies of the plan may be seen in the office of the Louisiana Register, in the office of Vocational Education, State Department of Education, or in the office of the Board of Elementary and Secondary Education, Room 104 of the Education Building.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Carl Perkins Vocational Education Act**

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

The State of Louisiana will incur costs to administer the Program Plan for the Administration of Vocational Education according to the Carl D. Perkins Act in the amount of \$3.1 million.

Local education agencies, vocational technical schools, and teacher training universities will incur costs of approximately \$15 million annually to administer the plan. These monies have been previously appropriated by the Louisiana Legislature for this purpose.

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

Louisiana will receive approximately \$18 million of Carl D. Perkins Act monies as a result of this plan. The amounts of funds used by the participating agencies are as follows:

State Department of Education, \$3.1 million; Local education agencies, 9.5; Universities, .6; Vocational Technical Schools, 5.4

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

Students (unduplicated count) enrolled in the vocational program who will benefit from programs supported by these funds total 184,218. A breakdown of student enrollments is as follows: vo-tech schools, 36,910; local school systems, 131,619, and universities (approximately), 16,139.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect of the program plan for the Administration of Vocational Education will focus on employment and assist in providing a more skilled workforce; thus, affording better employment opportunities to the participants. The annual number who will complete the program under this plan is approximately 13,034. This includes 8,028 at the secondary level and 5,006 at the postsecondary level.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana 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 Air Quality Regulations, LAC 33:III. Chapter 27.

The LAC 33:III. Chapter 27 Asbestos-Containing Materials in Schools and Public Buildings Regulations are added to provide for the identification and abatement of asbestos-containing materials in schools and public buildings that may pose an unreasonable risk to students, school personnel and the public.

The proposed regulations are to become effective on September 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 9 a.m., August 4, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., August 7, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. A copy of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Rm. 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA 70804;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Rd., Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA 70505.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 33:III Chapter 27  
Asbestos-Containing Materials in Schools and Public  
Buildings Regulations**

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

Total	State General Fund
\$345,000 1989-90	0
\$345,000 1990-91	0
\$345,000 1991-92	0

State Facility Planning will incur approximately sixty-one million dollars in abatement costs over 10-15 years.

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

\$345,000 additional revenue that is state collected and allocated to balance the total costs.

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

Asbestos abatement services will incur an additional \$345,000 of fees. There are approximately 80 such companies in the state which will incur approximately \$4,300 of additional costs per year. These additional costs will likely be passed on to the users of these services. This act will affect state public buildings, private and public schools, and colleges and universities. Monies have already been allocated or spent for state public buildings, including colleges and

universities. Public and some private schools are already required to comply with the act by federal law. The major impact will be at approximately 400 private schools, universities, and grade schools at about \$1,500 per school for a total of \$600,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect.

Mike D. McDaniel  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air and Nuclear Energy**

Under the authority of the Louisiana 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 Air Quality Regulations, LAC 33:III:6523.

The amendment to LAC 33:III:6523 provides for additional permit fees and ADVF fees A. through C. The change in LAC 33:III.6523 will increase operating expense of asbestos related services which will be passed on to the regulated sector.

The proposed regulations are to become effective on September 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 9 a.m. on August 4, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., August 7, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. A copy of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Rm. 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA 70804;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Rd., Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA 70505.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 33:III.6523  
Fee Schedule Listing**

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

There is no additional cost as the existing staff will handle the collection of the fees.

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

\$345,000 additional revenue that is state collected and allocated to balance the total costs. The change in the fee schedule listing covers the administrative costs of data handling and accreditation documentation in support of LAC 33:III. Chapter 27.

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

This change in LAC 33:III.6523 will increase operating expense of asbestos related services which will likely be passed on to the regulated sector. The regulated sector benefits by having a better documented and qualified enforcement group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect. These fees will be imposed equally on asbestos related services.

Mike D. McDaniel, Ph.D.  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and particular Sections 1137.1 and Sections 1137.3, 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 Louisiana Hazardous Waste Regulations, LAC:V.Subpart 1.

This rule is intended to require commercial boilers and commercial industrial furnaces burning hazardous wastes for recycling purposes to comply with more stringent regulations, including obtaining a permit for operating the combustion unit. These regulations provide performance standards designed to ensure that organic, metal, chlorine, and particulate emissions from commercial boilers and commercial industrial furnaces do not exceed health-based limits.

The proposed regulations are to become effective on September 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 1 p.m., August 4, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.



All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than August 7, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. A copy of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4.30 p.m.:

State Land and Natural Resources Building, Rm. 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA 70804;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Rd., Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA 70505.

Paul H. Templet, Ph.D.  
Secretary

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

#### **Rule Title: Boiler and Industrial Furnace Rule**

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

Additional costs to the Department of Environmental Quality resulting from the implementation of these rules are expected to be minimal. Fewer than five boilers and industrial furnaces are expected to be impacted by these regulations. Any additional workload is expected to be handled by existing staff, with no additional staff needed. Local governments should not be affected.

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

Revenue collections of local governments should not be affected. State revenue collections from permit fees will be less than \$9400 (\$1880 per facility) per year.

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

Additional costs to regulated community, including application, equipment, fee, and maintenance costs would be approximately \$52,000 per permittee per year (1989 dollars).

Nongovernmental groups which might benefit from these regulations are human populations which might be affected by emissions from boilers and industrial furnaces regulated by these regulations. These regulations seek to ensure that toxic materials are not emitted by these facilities at levels harmful to human health. These regulations require permits for recycling combustion units which are substantially similar to those already in place for other combustion units (e.g., incinerators). Permitting and regulation of burning at these facilities will ensure that emissions are within health-based limits.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

In view of the small number of boilers and industrial furnaces affected by these regulations, minimal, if any, impact on competition or employment is expected. There may be

some beneficial impacts on equipment suppliers and/or consulting firms.

Paul H. Templet, Ph.D.  
Secretary

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division**

Under the authority of the Louisiana 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 Louisiana Hazardous Waste Regulations, LAC:V.Subpart 1.

These amendments are intended to more clearly specify exceptions to the definitions of solid waste and hazardous waste which are found in LAC 33:V.109. These changes will make the definitions more consistent with those found in the federal regulations.

The proposed regulations are to become effective on September 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 1 p.m., August 4, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., August 7, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. A copy of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Rm. 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA 70804;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Rd., Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA 70505.

Paul H. Templet, Ph.D.  
Secretary

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

#### **Rule Title: Amendment to Hazardous Waste and Solid Waste Definitions**

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

Implementation of these amendments additional costs to state or local governme  
II. ESTIMATED EFFECT ON REVENUE CC STATE OR LOCAL GOVERNMENTAL U

Revenue collections of state or local gc be affected by these amendments.

III. ESTIMATED COSTS AND/OR ECONOM DIRECTLY AFFECTED PERSON GOVERNMENTAL GROUPS (Summary)

These amendments will result in no a quantifiable economic benefits to directly a non-governmental groups. The regulated citizens should realize some benefit from specification of the exceptions to the defin hazardous waste.

IV. ESTIMATED EFFECT ON COMPETITIOI MENT (Summary)

These amendments will have no effect c employment.

Paul H. Templet, Ph.D.  
Secretary

John R  
Legislat

**NOTICE OF INTENT**

**Department of Environmental Q  
Office of Water Resources  
Water Pollution Control Divis**

Under authority of the Louisiana Envir Act, R.S. 30:2001 et seq., and in particular S and in accordance with the provisions of the A cedure Act, R.S. 49:950 et seq., the secreta ment of Environmental Quality gives notice procedures have been initiated on a propose Louisiana Water Quality Standards regulation of Water Resources.

The proposed revision improves the Wat ards by providing a clearer, more understanda protecting state waters. Specific revisions are tions on antidegradation, exceptions, criteria standards, and numerical criteria tables.

A public hearing will be held on the pro: the Water Quality Standards at 2:30 p.m. on A the Mineral Board Hearing Room, First Floor, Natural Resources Building, 625 North Fourt Rouge, LA. Interested persons are invited to a oral or written comments on the proposed revis

All interested persons are also invited t comments at any time on the proposed revis ments should be submitted no later than Augt Dugan Sabins, Office of Water Resources, Bo Rouge, LA 70804-4091. Copies of the propc available for inspection at the following locatic until 4:30 p.m.:

Department of Environmental Quality,  
Resources, State Lands and Natural Resource  
North Fourth Street, 9th Floor, Baton Rouge, L  
Department of Environmental Quality,  
gional Office, 804 31st Street, Monroe, LA;

universities. Public and some private schools are already re- quired to comply with the act by federal law. The major im- pact will be at approximately 400 private schools, universities, and grade schools at about \$1,500 per school for a total of \$600,000.

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

No significant effect.

Mike D. McDaniel  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air and Nuclear Energy**

Under the authority of the Louisiana 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 Air Quality Regulations, LAC 33:III:6523.

The amendment to LAC 33:III:6523 provides for addi- tional permit fees and ADVF fees A. through C. The change in LAC 33:III.6523 will increase operating expense of asbestos re- lated services which will be passed on to the regulated sector.

The proposed regulations are to become effective on September 20, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 9 a.m. on August 4, 1989, in the Mineral Board Hearing Room, State Land and Nat- ural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written com- ments on the proposed regulations. Such comments should be submitted no later than 4:30 p.m., August 7, 1989, to Joan Albritton, Office of Legal Affairs and Enforcement, Box 44066, Baton Rouge, LA 70804. A copy of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Rm. 615,  
6th Floor, 625 North Fourth Street, Baton Rouge, LA 70804;  
Department of Environmental Quality, 804 31st Street,  
Monroe, LA 71203;  
Department of Environmental Quality, State Office Build-  
ing, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;  
Department of Environmental Quality, 1150 Ryan Street,  
Lake Charles, LA 70601;  
Department of Environmental Quality, 2945 North I-10  
Service Rd., Metairie, LA 70002;  
Department of Environmental Quality, 100 Eppler Rd.,  
Lafayette, LA 70505.

Paul H. Templet, Ph.D.  
Secretary

I. ESTIMATI STATE OF There i the collect  
II. ESTIMATI STATE OF \$345,0 allocated t schedule l dling and 33:III. Ch.  
III. ESTIMATI DIRECTI GOVERN This ch expense c passed on efits by ha ment grou  
IV. ESTIMATI MENT (St No sig on asbest

Mike D. McD  
Assistant Secr

Dej  
Off

Under Quality Act. 1137.1 and S sions of the A the secretary c initiated to an LAC:V.Subpa This ru commercial in cycling purpo: cluding obtair These regulat ensure that o from commer not exceed he The p September 20 publication in A publ in the Minera Resources Bu Interested pe ments on the

of previously unquantifiable limits. Another benefit could be in the enhanced protection of Louisiana's lucrative seafood industry through the possible decrease in exposure to toxic substances within the ambient waters of the state.

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

There will be no appreciable effect on competition and employment in the short-run; comparable standards are, or soon will be, applicable in other heavily industrialized states. Achieving better water quality through the establishment of straightforward, scientifically sound guidelines can promote industrial development and expansion and increase employment in the long-run.

Maureen O'Neill  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Governor's Special Commission on Education Services

The Governor's Special Commission on Education Services is requesting for implementation of a \$5 fee for each award check processed for the following programs: State Student Incentive Grant, T. H. Harris Scholarship, Rockefeller Scholarship, Paul Douglas Scholarship, and Education Majors Scholarship. Because of this new fee schedule, the \$2.50 application processing fee has been terminated.

Interested persons may comment by contacting the Scholarship/Grant Division, GSCES, at (504) 922-1038.

Danny Walker  
Chairman

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Award Processing Fee

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

There are no implementation costs nor savings to state or local governmental units as a result of this proposal.

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

The proposed rule will result in fees of approximately \$44,200 annually, whereas the current rule provides only \$15,000 annually. The net effect on revenue collections will be \$29,200.

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

Only those students actually receiving T. H. Harris, Rockefeller, Paul Douglas, Education Majors and/or State Student Incentive Grant Awards will bear the cost of the \$5 award fee. Award funds are disbursed each semester, therefore, the annual cost could range from \$5 to \$10 depending on continuation of eligibility and funding.

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

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

Mona H. Durham  
Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Property Assistance Agency

Notice is hereby given that the Office of the Governor, Division of Administration, La. Property Assistance Agency, under authority of R.S. 39:321 advertises its intent to amend and replace the existing State Property Control Regulations with revised regulations.

These proposed rules may be viewed at the office of the State Register, 900 Riverside North or at the La. Property Assistance Agency, 1059 Brickyard Lane, Baton Rouge.

Interested persons may submit written comments on the proposed revision to Ed Fanguy, Assistant Director, La. Property Assistance Agency, Box 94095, Baton Rouge, LA 70804-9095. Written comments will be received until 5:00 p.m. September 1, 1989.

Louis W. Amedee  
Director

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Govt. Contracts Procurement, Property Control

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

There are no implementation costs (savings) to the state.

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

There is no effect on revenue collections to the state.

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

The change to a \$250 threshold may result in some long-range economic benefits to state agencies since fewer pieces of property will require property tags. However, this cost benefit is inestimable.

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

There will be no effect on competition and employment.

Louis W. Amedee  
Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt a change in LAC 46:XLIX.1613.A as follows to amend an existing rule.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLIX. Nursing Home Administrators

#### Chapter 16. Certified Nurse Assistants

#### §1613. Use of the Register

A. Nursing home administrators shall use the register to determine if a respective nurse assistant is certified and may use the register to determine if he/she has in the past abused or neglected a resident or misappropriated a resident's property.

B. If an individual is hired as a nurse assistant after January 1, 1990, he/she must be trained, tested and certified in accordance with the requirements set forth by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2501-2511.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners for Nursing Home Administrators, LR 15:195 (March 1989), amended LR 15:

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., August 31, 1989 at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Use of the Register

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

There will be no costs or savings as a result of this change.

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

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

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

There will be no costs or economic benefits for affected persons and groups.

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

The change insures easy access to nurse aid register for nursing home administrators who plan to hire qualified nurse aides.

Winborn E. Davis  
Executive Director

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

Prior to provider enrollment and participation in the Medicaid program, the department requires approval through the Facility Need Review Program for skilled nursing facility beds, intermediate care facility beds I and II, intermediate care facility beds for the mentally retarded, and beds in free-standing psychiatric hospitals.

The proposed rule revises the availability and utilization criteria which determine the need for additional intermediate care facility beds for the mentally retarded.

#### PROPOSED RULE

For ICF/MR applications, beds which are counted in determining the bed to population ratio are (1) approved licensed beds, and (2) approved but not licensed beds. For applications for nursing home beds, beds which are counted are (1) approved licensed beds, (2) approved but not licensed beds, and (3) licensed but not approved beds. For applications for psychiatric beds in free-standing psychiatric hospitals, beds which are counted in determining the bed to population ratio are (1) approved licensed beds (2) approved but not licensed beds, and (3) all beds in facilities which were enrolled in Medicaid as of the effective date of the Facility Need Review Program (7-20-88) and which remain licensed.

The bed to population ratio for ICF/MR group and community homes shall not exceed .375 per 1,000 population in each service area unless one or both of the exceptions set forth below are applicable.

In order for ICF/MR group and community home beds to be added, the average annual occupancy rate in the service area for community homes and group homes shall be 90 percent or greater.

Exceptions to the Availability and Utilization Criteria follow:

An exception may be made when all of the following conditions exist:

1. the statewide bed to population ratio for ICF/MR community and group homes does not exceed .375 per 1000, and

2. the bed to population ratio in the service area for ICF/MR community and group homes is near or exceeds .375 per 1000 population, and

3. the average annual occupancy rate in the service area for ICF/MR community homes and group homes is 97 percent or greater, and

4. the applicant/owner (who is to be the enrolled provider) does not currently have any unlicensed approved beds for which he is the enrolled provider.

Under this exception, an applicant may submit only one application in a service area; a subsequent application may not be submitted until all approved beds (for which the applicant/owner is the enrolled provider) in the service area are licensed.

An exception may also be made when an ICF/MR community home or group home is needed for a Gary W. Class-member. Documentation in the form of a memorandum from the assistant secretary of the Office of Mental Retardation shall be provided.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Acting Director, Bureau of Health Services Financing, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on August 9, 1989 in Auditorium B, Second Floor, 755 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

David L. Ramsey  
Secretary

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

#### **Rule Title: Bureau of Health Services Financing, Facility Need Review Program Policy change for ICF/MR**

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

Implementation of the proposed rule could result in increased state expenditures of \$316,097 in FY 89/90; \$789,842 in FY 90/91; and \$1,100,222 in FY 91/92.

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

Implementation of the proposed rule could increase federal matching funds for Title XIX vendor payments for ICF/MR's by: \$837,964 in FY 89/90, \$2,148,559 in FY 90/91, and \$2,992,866 in FY 91/92.

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

Implementation of the proposed rule could result in 201 additional ICF/MR community home and group home beds over 3 calendar years.

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

The bed increases could result in employment opportunities in the field of mental retardation; it is not possible to estimate the effects at this time. Many of the health care professionals in the field are employed on a consultant basis.

Carolyn O. Maggio  
Acting Director

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

Currently, Intermediate Care Facility Services for the Mentally Retarded are reimbursed under a facility specific methodology. Under this methodology rates for each participating facility are established individually resulting in various rates for the

same level of care. Under this rule, the bureau is adopting prospective rates for all private MR facilities who are licensed to provide services to Title XIX recipients. Rates for these providers are being established based upon capacity divisions: eight beds or less; 9-32 beds; and 33 beds or more. Reimbursement for private facilities is based upon the weighted average rates of all providers within each grouping by level of care. Current rates were used to establish the base year rate structure which includes an annual inflation factor adjustment mechanism to assure rates remain reasonable and adequate over time. In the bureau's effort to allow transition from facility specific rates to a flat rate structure, reimbursement will be based upon facility level of care while a client specific level of care instrument is being refined and validated. Under this reimbursement methodology, providers will continue to be required to submit annual cost reports for evaluation. A chart of accounts and an accounting system on the accrual basis will be used in the evaluation process. Agency personnel or their contractual representative will perform desk reviews of the cost reports within six months of the date of submittal. In addition to the desk review, a representative number of the facilities will be subject to a full-scope, on-sight audit annually. Implementation of this rule shall have no effect on any other standards for payment requirements currently established.

#### **PROPOSED RULE**

##### **I. Definitions**

A. *Private Facilities* - private long term care facilities classified and licensed as intermediate care facilities for the handicapped and/or mentally retarded (ICF-H, ICF-MR) certified to provide services to Title XIX recipients.

##### **B. Indices**

1. CPI - ALL ITEMS - The Consumer Price Index for all Urban Consumers-South Region (all items line) as published by the United States Department of Labor.

2. CPI - FOOD - The Consumer Price Index for All Urban Consumers - South Region (food line) as published by the United States Department of Labor.

3. CPI - MEDICAL CARE - The Consumer Price Index for all Urban Consumers - South Region (medical care line) as published by the United States Department of labor.

4. WAGE - The average annual wage for production or non-supervisory service workers in SIC code 80 as furnished by the Dallas Regional Office of the Bureau of Labor Statistics of the U.S. Department of Labor. This figure will be obtained by telephone in May and will be the average annual hourly wage as of December of the prior year. It will be multiplied times 40 hours, times 52 weeks to determine the average annual wage. The adjustment factor derived from the figure will be calculated by dividing the value of the corresponding average annual hourly wage, for December of the year preceding the rate year, by the value of the index one year earlier (December of the second preceding year.)

##### **C. Economic Adjustment Factors**

1. CPI - All Item Factor

2. CPI - Food Factor

3. CPI - Medical Care Factor

Each of the above economic adjust factors is computed by dividing the value of the corresponding index for December of the year preceding the rate year by the value of the index one year earlier (December of the second preceding year).

4. Wage Factor - The wage factor is computed in the same manner as the other adjustment factors except that the average annual wage for the calendar year ending in the indicated December is used instead of an index value.

D. *Rate Year* - The rate year is the one year period from July 1 through June 30 of the next calendar year during which a particular set of rates is in effect. It corresponds to a state fiscal year.

E. *Base Rate* - The base rate is the rate calculated in accordance with Section II.A, plus any base rate adjustments granted in accordance with G.2 of this Section, and which is in effect at the time of calculation of new rates or adjustments. The base rate was initially calculated using the current weighted average rates for all providers by size grouping (1-8, 9-32, and 33+) and levels of care, plus an inflation adjustment factor. In establishing level of care rates, where there are no enrolled providers for a level of care in a particular provider grouping, the base rate was determined by adjusting the calculated rate for the next level by eight percent. For example, where there was no rate history for a level three provider in a particular grouping, the level four rate was adjusted downward by eight percent to establish a level three rate.

## II. IMPLEMENTATION PROCEDURE

### A. Initial Reporting

The initial cost report submitted by providers must be based on the most recent fiscal year end. The report must contain costs for the 12-month fiscal year.

Limited exceptions to the report requirement will be considered on an individual facility basis upon written request from the provider to the Bureau of Health Services Financing. If an exception is allowed, providers must attach a statement describing fully the nature of the exception for which written permission has been requested and granted prior to filing of the cost report. Exceptions which may be allowed with written approval are as follows:

1. For the initial reporting period only, the provider may allocate costs to the various cost centers on a reasonable basis if the required itemized cost breakdown is not available.

2. If the facility has been purchased, leased, or has effected major changes in the accounting system as an on-going concern, within the past 12 months, a six-month cost report may be filed in lieu of the required 12-month report.

3. If the facility experiences unavoidable difficulties in preparing the cost report by the prescribed due date, an extension may be requested prior to the due date. Request for exception must contain a full statement of the cause of difficulties which rendered timely preparation of the cost report impossible.

4. If a facility is new, it will not be required to file a cost report for rate setting purposes until one full operating year is completed.

### B. Subsequent Reports

Cost reports shall be submitted annually by each provider within 90 days of the end of the state's fiscal year.

## III. DETERMINATION OF LIMITS

Cost limits will be established based on statistical analysis of industry data to assure that total payments under Title XIX will not exceed Title XVIII reimbursement. The ceiling limitation on reasonable cost will be set at a level the state determines adequate to reimburse an efficiently operating facility. Incentive for efficient operation will be allowed as a profit opportunity; for providers who provide required services at a cost below the industry average.

## IV. INCREASED CAPACITY

Increased bed capacity requires a review by Licensing and Certification and Facility Need Review approval.

## V. SALES OF FACILITIES

In the event of the sale of a Title XIX facility, the seller is

required to submit a cost report from the date of its last fiscal year end to date of sale.

If the purchaser continues the operation of the facility as a provider of Title XIX services, he is required to furnish an initial cost report covering the date of purchase to the end of the facility fiscal year under this ownership. Thereafter, the facility will file a cost report annually on the purchaser's designated fiscal year end.

Facilities purchased as on-going concerns are not considered new facilities for cost reporting purposes.

## VI. NEW FACILITIES

For cost-reporting purposes a new facility is defined as:

A. a newly constructed facility; and,

B. a facility which has been certified for a higher or lower level of care.

"A facility purchased as an on-going concern is not considered a new facility for reimbursement rate determination. Cost data shall be submitted as required for the original ownership. Any additional costs, such as increased depreciation, interest, etc. will be reflected in the future years per diem rates only."

A new facility is not required to file a cost report for rate setting purposes until one full year has been completed.

A new facility is paid the applicable facility rate. There is no retroactive adjustment for either over- or underpayment to the facility.

## VII. INTERIM ADJUSTMENT TO RATES

If an unanticipated change in conditions occurs which affects the cost of a level of care of at least 50 percent of the enrolled long term care facilities by an average of five percent or more, the rate may be changed. The Bureau of Health Services Financing will determine whether or not the rates should be changed when requested to do so by 10 percent or more of the enrolled providers. The burden of proof as to the extent and cost effect of the unanticipated change will rest with the providers requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The Bureau of Health Services, however, may initiate a rate change without a request to do so. Changes to the rates may be one of two types: 1) temporary adjustments or 2) base rate adjustments as described below.

### A. Temporary Adjustments

Temporary adjustments may be made in the rate when changes which will eventually be reflected in the economic indices, such as a change in the minimum wage, a change in FICA or a utility rate change, occur after the end of the period covered by the Index, i.e., after the December preceding the rate calculation. Temporary adjustments are effective only until the next rate calculation which used economic adjustment factors based on index values computed after the change causing the adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

### B. Base Rate Adjustments

Base rate adjustment may be made when the event causing the adjustment is not one that would be reflected in the Indices. This would normally be a change in licensure standards. Base rate adjustments will result in a new base rate component value(s) which will be used to calculate the new rate for the next year.

## VIII. DETERMINATION OF INFLATION ADJUSTMENT FACTOR

The determination of the inflation adjustment factor for these levels is described in Section I.C.

**IX. RATE DETERMINATION**

**A. Calculation of the Rate**

A base rate will be calculated for each level of care which the state determines is reasonable to adequately reimburse in full the allowable cost of a provider facility that is economically and efficiently operated. The rate for each level of care will be recalculated periodically to determine the need for establishing a new base rate. The rate for the first year of transition to a flat rate structure (FY 89/90) will be based upon the overall facility level of care as currently determined.

Rates for subsequent fiscal years will be based upon client levels of care determined through the use of an instrument developed and validated by the agency prior to implementation. Rates determined by the bureau will be published in the *Louisiana Register* each year as a potpourri notice. The base rate established for implementation of this reimbursement methodology shall be as follows:

**FLAT RATE LEVEL REIMBURSEMENT**

LEVEL OF CARE	1-8 BEDS	9-32 BEDS	33+ BEDS
2	\$ 80.00	\$ 58.00	\$ 55.00
3	\$ 88.00	\$ 63.00	\$ 60.00
4	\$ 89.00	\$ 77.00	\$ 65.00
5	\$103.00	\$ 86.00	\$ 70.00
6	\$111.00	\$ 98.00	\$ 86.00
7	\$140.00	\$106.00	\$ 89.00

**B. Parameters and Limitations**

Payment will be made in an amount not to exceed the total number of beds occupied by Title XIX recipients which will have been approved by licensing and certification, and Facility Need Review times the number of days in the month times the appropriate level of care rate. Such payment will be considered the total agency payment for all Title XIX recipients in the facility. Leave day policies which apply to recipients in the facility will be applied towards occupancy limits.

**X. LEVEL OF CARE APPEALS**

Level of care determinations may be appealed by providers utilizing the same appeal process afforded to other long term care providers by bureau.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Director, Bureau of Health Services Financing, Box 94065, Baton Rouge, LA, 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on August 9, 1989 in Auditorium A, Second Floor, 755 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LTC - Reimbursement For  
Private ICFMR Facilities**

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

Implementation of this proposed rule will result in increased state expenditures of: \$623,455 in FY 89/90; \$935,107 in FY 90/91; and \$935,107 in FY 91/92.

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

Implementation of this proposed rule will increase federal matching funds for Title XIX vendor payments by: \$1,652,675 in FY 89-90; \$2,478,938 in FY 90-91; and \$2,478,938 in FY 91/92.

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

Implementation of this proposed rule will increase total provider reimbursement by: \$2,276,130 in FY 89/90; \$3,414,045 in FY 90/91; and \$3,414,045 in FY 91/92.

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

There is no known effect on competition and employment.

Carolyn O. Maggio  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation  
Engineering Division**

Docket No. 89-306

In accordance with the provisions of LSA-R.S. 49:950 et seq., and LSA-R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, August 1, 1989, in the Conservation Auditorium, located on the First Floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

At such hearing the commissioner of conservation shall consider the promulgation of Statewide Order No. 29-L-1 which will amend existing Statewide Order No. 29-L by providing procedures for rescission of any supplemental order terminating any unit where subsequent to the effective date of unit termination the commissioner of conservation determines certain criteria required for unit termination were not met.

Statewide Order No. 29-L-1 imposes additional filing requirements as set forth therein to allow for a more efficient and expeditious processing of unit termination applications.

**STATEWIDE ORDER NO. 29-L-1**

This Statewide Order adopts rules and regulations for termination of any unit established by the commissioner of conservation pursuant to the authority of Title 30 of the Louisiana Revised Statutes of 1950.

Pursuant to power delegated under the laws of the state of Louisiana, and particularly Title 30 of the Louisiana Revised Statutes of 1950, as amended by Section 9.1 adopted by the Legislature as Act 671 of 1975; and after a hearing held under Docket No. 89-306 in Baton Rouge, LA, on Tuesday, August 1, 1989, following publication of notice and notice thereof, not less than 30 days prior to said hearing in the *Official Journal* of the state of Louisiana, The *State Times* at Baton Rouge, LA, the

following rules and regulations are promulgated by the commissioner of conservation as being reasonably necessary to conserve the natural resources of the state, to prevent waste of oil and gas as defined by law, and otherwise to carry out the provisions of the laws of this state. These rules and regulations shall govern the termination of units established by the commissioner of conservation pursuant to authority contained in Title 30 of the Louisiana Revised Statutes of 1950.

#### DEFINITIONS

Unless the context otherwise requires, the words defined in this Section shall have the following meaning when found in this Order.

1. *District Manager* means the manager of any one of the districts of the state of Louisiana under the Office of Conservation, and refers specifically to the manager within whose district the pool for which the unit sought to be terminated is located.

2. *Pool* means an underground reservoir containing a common accumulation of crude petroleum or natural gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is covered by the term pool.

3. *Unit* means all units established for a particular pool, by order of the commissioner of conservation pursuant to authority of Subsection B of Section 9 or Subsection B or C of Section 5 of Title 30 of the Louisiana Revised Statutes of 1950.

4. *Represented Party* means any person, as person is defined in Title 30 of the Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest in the pool for which the unit sought to be terminated was established and who is known to have either a consultant or attorney representing him in conservation matters.

5. *Interested Owner* means any owner, as owner is defined in Title 30 of Louisiana Revised Statutes of 1950, who is known to the applicant after diligent search to own an interest within the pool for which the unit sought to be terminated was established.

6. *Interested Party* means any person, as person is defined in Title 30 of Louisiana Revised Statutes of 1950, who owns an interest in the pool for which the unit sought to be terminated was established.

7. *Well* means all wells drilled within the confines of the unit for which termination is sought.

#### FINDINGS

The commissioner of conservation finds as follows:

1. That an administrative procedure should be established to permit the termination of any unit under those certain conditions as set forth hereinbelow, where it is shown that in order to carry out the purposes and intent of the conservation laws of this state such procedure would be in the interest of good conservation practices.

2. That in order to carry out the mandate of the Legislature of the State of Louisiana, as contained in Act 671 of 1975 (Title 30 of Louisiana Revised Statutes of 1950, Section 9.1) rules and regulations should be promulgated to prescribe the procedure by which any interested party, as applicant, may request the issuance of a supplemental order terminating any unit by written application and upon proper showing in the manner hereinafter provided and in the absence of protest without the necessity of a public hearing, when with respect to the pool for which the unit was established, a period of one year and 90 days has elapsed without:

- a. production from said pool; and
- b. the existence of a well proven capable of producing

from the pool; and

c. drilling, reworking, recompletion, deepening or plugging back operations having been conducted on a well to secure or restore production from the pool.

3. That in the event a well deemed not proven capable of producing from the pool on the effective date of unit termination reestablishes production from the pool, or if subsequent to the effective date of unit termination a determination is made that one of the other requirements as set forth in Finding No. 2 hereof was not met, the following procedures should be adhered to:

a. the commissioner of conservation shall mail legal notice to the district manager, original applicant, and to all interested owners and represented parties shown on the applicant's list in addition to the publication of legal notice in the *Official State Journal*, such notice to contain an explanation of factual situation regarding the unit termination and current productive status of the pool; and

b. such notice shall provide that unless written protest is received, within 30 days from the date of publication of notice, the commissioner of conservation shall issue a supplemental order rescinding the unit termination order; and

c. in the event a written protest is timely filed, the party filing said protest shall have a period of 15 days from the date of such protest in which to file an application for a public hearing pursuant to Subsection B of Section 6 of Title 30 of Louisiana Revised Statutes of 1950 requesting an order sustaining the unit termination. If the party filing the protest fails to timely file application for public hearing the commissioner shall issue a supplemental order as deemed appropriate without public hearing.

#### ORDER

1. On and after the effective date hereof, a supplemental order terminating any unit established by the commissioner may be issued after written application and upon proper showing in the manner provided herein, and in the absence of protest without the necessity of a public hearing.

2. Each application for unit termination shall be filed with the commissioner with a copy to the district manager, each interested owner and represented party and shall include the following:

a. A plat showing the unit for which termination is being sought with each well located thereon, together with order number and effective date of the order of the commissioner establishing said unit. Each well shall be identified on such plat by operator of record, serial number and well name and number or by reference to an appropriate attachment.

b. A signed statement indicating the status of each well. Should there exist a well which has not been plugged and abandoned in accordance with Statewide Order No. 29-B, Section XIX, sufficient geological, engineering, or other data with detailed explanation thereof to clearly demonstrate that said well is not capable of producing from the pool.

c. A signed statement indicating that with respect to the pool for which the unit was established, to the best of applicant's knowledge a period of one year and 90 days has elapsed without:

1. production from the pool, and
2. the existence of a well proven capable of producing from the pool; and
3. drilling, reworking, recompletion, deepening or plugging back operations having been conducted on a well to secure or restore production from the pool.
- d. A list of all interested owners and represented parties



to whom a copy of the application has been sent.

e. An application fee established by Statewide Order No. 29-Q or successor regulation.

3. Notice of the filing of the application of unit termination shall be published in the *Official Journal* of the State of Louisiana giving notice that unless a written protest is filed with the commissioner within the 30-day period from the date of publication of notice, the commissioner may issue a supplemental order for such unit termination. In the event written objection is filed within said 30-day period, the applicant may apply for a public hearing for consideration of the application.

4. In the event a well deemed not proven capable of producing from the pool on the effective date of unit termination reestablishes production from the pool, or subsequent to the effective date of unit termination a determination is made that one of the other requirements as set forth in Finding No. 2 hereof was not met, the procedures set forth in Finding No. 3 shall be adhered to.

5. That the effective date of any supplemental order issued hereunder can not be prior to the expiration of the legal advertisement period, reference Order No. 3 hereof. Consequently, any activity described in Finding No. 2 hereof, including the issuance of a permit to drill a well within the confines of the unit for which termination is sought, occurring between the date of the signed statement, reference Order No. 2(c) hereof and the expiration of the legal advertisement period, shall result in application denial.

6. Any supplemental order issued hereunder approving the application shall terminate all units created for the pool and shall be filed for record as provided in Section 11.1 of Title 30 of Louisiana Revised Statutes of 1950.

This Order shall be effective on and after September 20, 1989.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with LSA-R.S. 49:953. Written comments will be accepted until 5 p.m., Tuesday, August 8, 1989, at the following address: Office of Conservation, Engineering Division, Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. 89-306, Proposed Statewide Order No. 29-L-1.

J. Patrick Batchelor  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Statewide Order No. 29-L-1**

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

There will be no significant additional implementation costs or savings to state or local governmental agencies, as the proposed Statewide Order is simply amending the existing rules and regulations for processing unit termination applications filed pursuant to Act 671 of 1975 (Title 30 of Louisiana Revised Statutes of 1950, Section 9.1).

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

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

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

There is no cost and/or economic benefit to directly affected persons or non-governmental groups.

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

There is no effect on competition and employment.

J. Patrick Batchelor  
Commissioner of Conservation

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police**

The Department of Public Safety and Corrections, Office of State Police, hereby advertises its intent to adopt proposed regulations to govern the administering of blood and breath alcohol tests, provide for the maintenance and certification of gas chromatographs, utilization of certified and pre-mixed reagents, higher preservation standards for blood samples prior to analysis, and a definitive correlation factor between breath alcohol levels and blood alcohol levels, in addition to providing the standards for all testing and maintenance of personnel and equipment utilized in blood and breath testing. These regulations will replace those currently found in Chapter 5, Sections 501-511 and 551-565 in the June and July, 1988 volumes of the *Louisiana Register*.

Copies of the proposed regulations may be viewed at 265 S. Foster Drive, Baton Rouge, LA in the Legal Section. Interested parties may comment on these proposed regulations by writing to or contacting Doussan Rando or George Dunn, Applied Technology, 7901 Independence Boulevard, Baton Rouge, LA or Paul Cobb, Crime Laboratory, 7901 Independence Boulevard, Baton Rouge, LA.

Col. Marlin Flores  
Deputy Secretary

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

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

There would be no estimated implementation costs unless the department desires to certify the technicians at the Crime Laboratory to remove blood samples for testing, in which case the total cost should be approximately \$1,000.

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

Revenue collections resulting from D.W.I. convictions predicated on blood tests should increase due to the increased enforceability of the current law. This increase could amount to \$10,000 annually.

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

The estimated costs and/or economic benefits to non-governmental groups or individuals would be negligible, if any.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Rex McDonald  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Social Services  
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, proposes to adopt the following rule in the Individual and Family Grant (IFG) Program.

This was published as an emergency rule because federal regulations as published in the *Federal Register* of Tuesday, March 21, 1989, Vol. 54, No. 53 pages 11610-11654 mandate a March 21, 1989 implementation date. A disaster has been declared in certain areas of Louisiana and will be managed in accordance with these new regulations.

The maximum grant amount in the IFG Program has been changed to \$10,000. The amount will be adjusted at the beginning of each federal fiscal year to reflect changes in the Consumer Price Index for All Urban Consumers, published by the U.S. Department of Labor.

The dollar value of the required flood insurance policy for housing and personal property grants where the applicant resides in a flood zone will change to \$7,000 building and \$3,000 contents for a homeowner, and \$10,000 contents for a renter.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held August 9, 1989 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson  
Secretary

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

**Rule Title: IFG Program Grant Changes**

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

The average costs of grants could double depending upon the severity of the disaster because the grant maximum changed from \$5,000 to \$10,000. Because each disaster is inherently different, it is not possible to predict the cost.

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

There is no effect on revenue collections.

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

The cost of the required flood insurance for homeowners might increase because the amount of required coverage has increased.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document of benefits as follows:

Insert the following language under Article 3, Section IV, and renumber the current Sections IV - IX as Sections V - X to allow for the insertion:

III. CASE MANAGEMENT

A. This section, Article 3, Section IV, case management is effective October 1, 1989.

B. As used herein, case management (CM) refers to the managed care program available to covered persons in cases of serious illness or injury where critical care is required and/or treatment of extended duration is anticipated. Case management may provide, but shall not be limited to, any of the following options:

1. alternative care in special rehabilitation facilities;
2. alternative care in an extended care facility, skilled nursing facility, or the covered person's home;
3. avoidance of complications by earlier hospital discharge, alternative care and training of the patient and/or family;
4. alternative care in residential treatment centers and/or day care centers.

C. Case management is performed pursuant to a contract between the Board of Trustees and August International Corporation (AIC).

D. Only cases identified by August International Corporation on or after the effective date of this Section shall be eligible for CM.

E. All treatment, supplies or services deemed payable by virtue of this Section shall be subject to the limitations of the fee schedule as defined in Article 3, Section II of this document.

F. Any benefits which would not be payable but for the provisions of this Section shall be considered payable only upon the recommendation of AIC, in consultation with and with the approval of the attending physician, covered person or his representative and the program. The approval of such contractual

benefits by the program shall be conditioned upon the professional opinion of the program's medical director or his designee as to the appropriateness of the recommended alternative care.

G. The provisions of this Article 3, Section IV shall apply only in cases where the program is primary according to the provisions of the National Association of Insurance Commissioners (NAIC) guidelines as set forth in Article 3, Section X.

H. If a covered person has a condition which, in the opinion of AIC is likely to be of substantial duration and/or is susceptible to care in a less expensive setting, AIC will make available to the attending physician and the covered person an alternative plan of care for the condition, if alternative appropriate care is a medically acceptable option. The alternative plan will be developed by health care professionals and be consistent with generally accepted medical practice. The attending physician and the covered person will review the suggested alternative care plan and adopt those portions which are mutually agreeable to the program, the attending physician and the covered person or his representative.

I. The alternative care plan may detail specific treatments, different sites of care or different levels of care. To the extent that the suggested services under the alternate care plan are not normally covered by the terms and conditions of the plan document, they may be reimbursed under the terms of this Section, provided, however, that the covered illness, accident or injury would have been eligible for payment, absent the provisions of this Section.

J. Payments made subject to the provisions of this Section shall be to the deductible, coinsurance and maximum benefit provisions as set forth elsewhere in this document.

K. Potential CM diagnoses, as identified by AIC pursuant to the PAC and/or CSR provisions of Article 3, Section III may include, but shall not be limited to the following:

1. traumatic and nontraumatic brain injury;
2. spinal cord injury;
3. cerebral vascular accident;
4. severe burns;
5. high risk infants;
6. viral diseases of the central nervous system;
7. high risk pregnancies;
8. pancreatic cancer, leukemia, other cancer requiring maintenance/adjunctive chemotherapy;
9. chronic renal failure;
10. hepatitis (complicated);
11. acquired immune deficiency syndrome (AIDS), and/or suggestive conditions;
12. multiple sclerosis, amyotrophic lateral sclerosis;
13. amputations;
14. multiple fractures.

L. Services and/or supplies not listed herein as eligible expenses may be considered covered services and/or supplies under this Section, provided that the services and/or supplies are integral to the alternative care plan and have been recommended by or to and agreed upon by AIC, the attending physician, the program and the covered person. Such services and supplies may include, but shall not be limited to:

1. home health care services including, but not limited to total parenteral nutrition, antibiotic administration, drugs and durable medical equipment not set forth in Article 3, Section 1(G)(16);
2. skilled nursing or extended care facilities;
3. rehabilitation services;

4. home nursing care;

5. hospice care;

6. non-medical services and supplies used to improve the covered person's medical condition or aid in the covered person's rehabilitation.

M. Notwithstanding anything in this Article 3, Section IV to the contrary, the limitations set forth elsewhere in this document relative to eligible expenses for mental and nervous conditions and alcohol and substance abuse shall apply to case management.

Add the following language to the second paragraph of Article 3, Section IV (new Section V {A}) as follows:

The supplemental emergency accident benefits will be payable prior to the benefits available under all other provisions of this contract, and no deductible amount shall apply to benefits payable under this Section except for the emergency room deductible as specified in the Schedule of Benefits. Benefits provided under this Section shall be subject to the limitations of the fee schedule.

Add the following language to the first paragraph of Article 3, Section VI (new Section VII) (A):

The definitions as set forth in Article 1, Section I, are also applicable to the Catastrophic Illness Endorsement. These catastrophic illness endorsement benefits are paid prior to benefits available under all other provisions of this contract and shall be subject to the limitations of the fee schedule.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on September 8, 1989, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Case Management**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
According to consulting actuary, Martin E. Segal Company, this program will realize an approximate annual savings of \$136,625 if this proposed rule change is implemented.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This proposed rule change will not affect the revenue collections of state, local governmental units or the State Employees Group Benefits Program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits to the directly affected persons, the plan member or dependents of plan members of the State Employees Group Benefits Program.  
The revenues of non-governmental entities, acute care facilities, will reduce in the same amount, \$136,625, that the benefits costs of the State Employees Group Benefits Program will be reduced.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will have no effect on competition and/or employment.

James D. McElveen  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of the Treasury Office of the Treasurer

The State Treasurer, Department of the Treasury advertises its intent to adopt rules and regulations pursuant to R.S. 49:327(B)(1)(b) which establishes the type of United States Government agency obligations which shall be eligible for investment by the state treasurer.

Interested persons may submit written comments or oral comments with a written confirmation on the proposed rules and regulations until 4:30 p.m., July 31, 1989 at the following address: Mary L. Landrieu, State Treasurer, or, Shelley A. MacNary, First Assistant State Treasurer, Department of the Treasury, Box 44154, Baton Rouge, LA 70804, (504) 342-0010.

A public hearing is scheduled Friday, August 4, 1989 at 10 a.m. in House Committee Room 2.

### Title 64 SECURITIES - INVESTMENTS Part V. Office of the Treasury Subpart 1. Investments

#### Chapter 1. Permissible Investments

##### §101. U.S. Government Agency Obligations

Pursuant to R.S. 49:327(B)(1)(b), obligations of or obligations guaranteed by, any of the following agencies, instrumentalities, or government sponsored entities of the United States Government, universally referred to in the investment community as "agency securities", shall be eligible for investment by the treasurer:

- A. Government National Mortgage Association;
- B. Maritime Administration;
- C. Small Business Administration;
- D. Federal Home Loan Bank consolidated discount notes, notes, debentures and bonds;
- E. Federal Home Loan Mortgage Corporation discount notes, notes, debentures, bonds, participation certificates, guaranteed mortgage backed securities, collateralized mortgage obligations and adjustable rate mortgages;
- F. Federal National Mortgage Association discount notes, short term notes, master notes, floating rate notes, notes, debentures, subordinated debentures, bonds, guaranteed mortgage backed securities, and adjustable rate mortgages;
- G. Farm Credit System consolidated systemwide discount notes, notes and bonds;
- H. Student Loan Marketing Association discount notes, floating rate notes, notes and bonds.

The securities named above as being issued by each agency are illustrative only. Since agencies periodically issue a new form of security with the similar guarantees, any such guaranteed security issued by the above referenced agencies shall be eligible for investment by the treasurer.

Mary L. Landrieu  
State Treasurer

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Permissible Investments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
N/A
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Pursuant to R.S. 49:327(B)(1)(b), the state treasurer is authorized to invest 20 percent of state funds in U.S. Government Agency Obligations ("agencies") as listed in the rule and regulations. By investing in agencies on approximately \$150,000,000, the state can earn an additional \$150,000-\$450,000 a year in interest income.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
N/A
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
N/A

Shelley A. MacNary  
First Assistant State Treasurer

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of the Treasury Office of the Treasurer

The State Treasurer, Department of the Treasury advertises its intent to adopt rules and regulations pursuant to R.S. 49:327(B)(1)(d) which establishes a procedure for determining the blended rate on non-competitive time certificates of deposit and a procedure for obtaining competitive bids on funds designated by the state treasurer for investment in time certificates of deposit.

Interested persons may submit written comments or oral comments with a written confirmation of the proposed rules and regulations until 4:30 p.m., July 31, 1989 at the following address: Mary L. Landrieu, State Treasurer, or, Shelley A. MacNary, First Assistant State Treasurer, Department of the Treasury, Box 44154, Baton Rouge, LA 70804, (504) 342-0010.

A public hearing is scheduled Friday, August 4, 1989 at 10 a.m. in House Committee Room 2.

### Title 64 SECURITIES - INVESTMENTS Part V. Office of the Treasurer Subpart 1. Investments

#### Chapter 1. Permissible Investments

##### §103. Time Certificates of Deposit

A. Non-Competitive Bid Procedure for Time Certificates of Deposit

The treasurer shall designate the amount of state funds available for time certificates of deposit to financial institutions in the state of Louisiana.

1. Frequency of Rate Setting. Each Tuesday, or in the case of a holiday, the first business day following the holiday, the state treasurer shall set interest rates to be paid on certificates of

deposit. This interest rate shall remain in effect until the next Tuesday or first business day following the holiday.

2. Procedure for Time Certificates of Deposit Maturing One Year or Less. The interest rate shall be determined by the following procedure for certificates of deposit maturing one year or less:

a. The following interest rates shall be surveyed on the day the interest rate is set and averaged to determine the interest rate.

i. National Certificates of Deposit which is the average of the top rates paid by major New York money banks on primary new issues of negotiable certificates of deposits, usually on amounts of \$1,000,000 or more with similar length of maturity as quoted from the *Wall Street Journal* or a nationally recognized quotation system or the National Average of Jumbo Certificates of Deposit as compiled by Banxquote Money Markets cited in the *Wall Street Journal* or a nationally recognized quotation system.

ii. U.S. Treasury Obligation/Bill with similar length of maturity at the bond equivalent rate adjusted for a 360-day basis obtained from:

- (a). Weekly auction or
- (b). National recognized quotation system or
- (c). *Wall Street Journal*

iii. Survey of Financial Institution Rates of Interest on a weekly rotating basis shall be conducted. Two small and two large financial institutions shall be polled as to the interest rate offered on collateralized certificates of deposits \$1,000,000 or greater. The highest rate from each of the small and large financial institutions polled shall then be averaged, and the result shall be the interest rate for this category. To establish the ranking of a financial institution as small or large, annually in April, the treasurer shall compile a list of financial institutions by total assets based on the latest annual financial statements available, as ranked by Sheshunoff Bank Rankings, the Louisiana Banker's Association, or other listings. The financial institutions shall be ranked by size as follows:

- (a). Small: \$0-100 million in total assets
- (b). Large: \$101 million or greater in total assets.

b. Minimum Interest Rate. For maturities of one year or less, the minimum interest rate shall be the discount rate on U.S. Treasury bills with a similar length of maturity.

c. Determination of Rate. The interest rate shall be an equally weighted average of those interest rates obtained in Section 103(A)(2)(a)(1), (2) and (3). This interest rate shall be compared to the minimum interest rate in Section 103(A)(2)(b). Whichever rate is higher shall be the rate of interest on the time certificates of deposit.

d. Calculation and Interest Payment. All certificates of deposit maturing in one year or less shall be calculated on a 360-day basis with interest paid at maturity. The treasurer reserves the right to collect interest on a more frequent basis if it is determined to be in the best interest of the state.

3. Procedure for Time Certificates of Deposit Maturing Greater than One Year. The interest rate shall be determined by the following procedure for certificates of deposit maturing greater than one year.

a. The following interest rates shall be surveyed on the day the interest rate is set and averaged to determine the interest rate.

i. U.S. Treasury Obligation with similar length of maturity calculated on yield to maturity obtained from:

- (a). current auction or

(b). nationally recognized quotation system or

(c). *Wall Street Journal*

ii. Agencies: Any one of the agencies listed in §103.A with similar length of maturity calculated on yield to maturity obtained from:

- (a). current auction or
- (b). nationally recognized quotation system or
- (c). *Wall Street Journal*

iii. Survey of Financial Institution Rates of Interest on a weekly rotating basis shall be conducted. Two small and two large financial institutions shall be polled as to the interest rate offered on collateralized certificates of deposits \$1,000,000 or greater. The highest rate from each of the small and large financial institutions polled shall then be averaged, and the result shall be the interest rate for this category. To establish the ranking of a financial institution as small or large, annually in April, the treasurer shall compile a list of financial institutions by total assets annually in April based on the latest annual financial statements available, as ranked by Sheshunoff Bank Rankings, the Louisiana Banker's Association, or other listing. The financial institutions shall be ranked by size as follows:

- (a). Small: \$0-\$100 million in total assets
- (b). Large: \$101 million or greater in total assets.

b. Minimum Interest Rate. For maturities of greater than one year, the minimum interest rate shall be the yield to maturity on U.S. Treasuries with similar length maturities.

c. Determination of Rate. The interest rate shall be an equally weighted average of those interest rates obtained in §103.A.3.a.i,ii and iii. This interest rate shall be compared to the minimum interest rate in §103.A.3.b. Whichever rate is the higher shall be the rate of interest on the time certificates of deposit.

d. Calculation and Interest Payment. All certificates of deposit maturing greater than a year shall be calculated on a 360-day basis with interest paid semi-annually from date of inception. The treasurer reserves the right to collect interest on a more frequent basis if it is determined to be in the best interest of the state.

B. Competitive Bid Time Certificates of Deposit

Pursuant to R.S. 49:327B(1)(d), 20 percent of the amount designated by the treasurer to be available for certificates of deposit to financial institutions in the state of Louisiana may be competitively bid.

1. Frequency of Bid. On the second Tuesday of each month, or in the case of a holiday, the first business day following the second Tuesday of each month, the state treasurer may offer the amount of funds determined to be available for competitive bid to be invested effective the following Monday. Should additional funds become available for competitive bid, the treasurer reserves the right to offer such funds for bid on any business day.

2. Eligibility to Bid. A financial institution shall become eligible to bid on the designated amount of state funds by annually completing a questionnaire by which the financial institution shall certify the following:

- a. Each financial institution shall state the amount of state funds it will be able to accept for bid. Refer to §103.C for the total maximum amount of certificates of deposit which shall be allowed to be maintained by each financial institution.
- b. Meets FDIC capital adequacy requirements.
- c. Solvent under regulatory accounting requirements.
- d. Profitable at the financial institution's fiscal year end as indicated in the audited financial statements.

e. Other financial measures as deemed necessary by the treasurer.

3. Required Financial Information. The financial institutions participating in the bid process for certificates of deposit shall provide the treasurer's office with quarterly call reports and/or audited financial statements certified by the secretary of the board. Should the overall financial condition of the financial institution substantially decline from the previous period, the treasurer shall remove this financial institution from the list of eligible bid institutions until the institution's financial condition has returned to the minimum criteria stated above.

4. Minimum Interest Rate. For maturities of one year or less, the minimum interest rate shall be the discount rate on U.S. Treasury bills with a similar length of maturity. For maturities of greater than one year, the minimum interest rate shall be the yield to maturity on U.S. Treasuries with similar length maturities as provided for in §103.A.2.b and §103.A.3.b.

5. Determination of Rate. The treasurer shall determine the amount of funds available for competitive bid. Bids will be opened for the available amount of funds from 9 a.m. to 12 p.m. on the second Tuesday of each month, or in the case of a holiday, the first business day following the second Tuesday of each month. Those financial institutions eligible under §103.B.2 and who are interested in bidding for available state funds may call the State Treasurer's Office from 9 a.m. to 12 p.m. on the day designated and bid on the state funds indicating a dollar amount and interest rate. The highest interest rate bid shall be accepted provided that the interest rate is the same as or above the minimum rate in §103.B.4 and deemed acceptable to the treasurer. The treasurer reserves the right to reject all bids. The winners of the bid will be notified by phone between 1 p.m. and 4:30 p.m. on the same day. The financial institutions winning the bid shall confirm in writing the amount and interest rate the financial institution bid by telephone. The certificates of deposit shall be effective the third Monday of the month, or in the case of a holiday, the first business day following the third Monday of the month. Upon receipt of acceptable collateral on the effective date, the treasurer shall wire the appropriate amount of funds to the financial institution.

6. Calculation and Interest Payments. All certificates of deposit maturing one year or less shall be calculated on a 360-day basis with interest paid at maturity. All certificates of deposit maturing greater than one year shall be calculated on a 360-day basis with interest paid semi-annually from date of inception. The treasurer reserves the right to collect interest on a more frequent basis if it is determined to be in the best interest of the state.

C. Total Amount of Certificates of Deposit with each Financial Institution

The maximum total amount of certificates of deposit with each eligible financial institution of bid and non-bid certificates shall not exceed at any one time, the total capital, surplus and undivided profits, exclusive of loan loss reserves. Should the financial institution have losses indicated, the loss shall be deducted from the total capital and surplus to determine the total amount of certificates of deposit at any one time. The total amount of certificates of deposit shall be determined based on the latest annual financial statements available which have been certified by the secretary of the board. This determination shall be set annually in April. The treasurer reserves the right to maintain less than the maximum amount of deposits with the financial institution should the treasurer deem it in the best interest of the state. §103.C shall be phased in over a one-year period com-

mencing July 1, 1989.

D. Collateral Securing Certificates of Deposit

1. Each financial institution shall submit a signed collateral agreement as issued by the treasurer in order to be eligible for both bid and non-bid certificates of deposits.

2. All collateral securing certificates of deposit shall be in a form acceptable to the treasurer and meet the collateral requirements under R.S. 49:321.

Mary L. Landrieu  
State Treasurer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Part I. Investments  
Chapter I. Permissible Investments Section 103.  
Time Certificates of Deposit**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The blended rate procedure for non-competitive bid time certificates of deposit as promulgated by State Treasurer under the rules and regulations hereby adopted would yield a rate substantially the same as is currently being used by the treasurer which is the U. S. Treasury bill bond equivalent rate adjusted for a 360-day basis. Prior to September 1988 under prior legislation and different investment policies, the interest rate utilized was the U.S. Treasury bill discount rate. With the change in legislation during the 1989 Second Extraordinary Session and investment policies by the treasurer, the current rate practice and the blended rate to be adopted yield \$1,225,000 more annually for the state to that of the old practice at the U.S. Treasury discount rate. The competitive rate CD's will yield at least as much as the blended rate CD's if not more. At this time, there is no way to predict the amount of interest income improvement which will result under this rate. Note, only 20 percent of the funds available for investment in CD's can be competitive bid, therefore, the yield on CD's which are bid will have a minimal effect on total interest income from CD's.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
None.

Shelley A. MacNary  
First Assistant State Treasurer

John R. Rombach  
Legislative Fiscal Officer

# Administrative Code Update

## ADMINISTRATIVE CODE UPDATE April, 1989 through June, 1989

Vol.	Title:Part.Section	Effect	Location
1	LAC 10: III.5101	Adopted	June, 1989 LR 15:465
2	LAC 7 XXXVII.18117	Amended	April, 1989 LR 15:256
3	LAC 46 III.2103 V.Chapters 27-41 XLV.326 XLV.Chapter 25 XLV.Chapter 83 LXXXVI.Chapters 1-15	Adopted Amended Adopted Amended Adopted Adopted	April, 1989 LR 15:257 LR 15:258 LR 15:272 LR 15:271 LR 15:268 LR 15:275
	V.2905 LIV.Subparts 1, 3, 5	Amended Amended	May, 1989 LR 15:375 LR 15:387
	V.4101, 4102	Adopted	June, 1989 LR 15:466
4	LAC 4 VII.103-133 VII.1303, 1325 VII.1737	Amended Amended Amended	April, 1989 LR 15:262 LR 15:263 LR 15:268
	VII.1223 VII.1229	Amended Amended	May, 1989 LR 15:384 LR 15:379
	LAC 19 I.Chapter 1 VII.Chapter 1 VII.Chapter 3 VII.Chapter 5 VII.Chapter 7 VII.Chapter 9 VII.Chapter 11	Amended Adopted Adopted Adopted Adopted Adopted Adopted	June, 1989 LR 15:445 LR 15:460 LR 15:463 LR 15:464 LR 15:453 LR 15:456 LR 15:459
5	LAC 76 VII.131 VII.325	Adopted Adopted	April, 1989 LR 15:281 LR 15:280
7	LAC 40 IV.Chapter 1 IV.Chapter 3 XIII.121	Adopted Adopted Amended	June, 1989 LR 15:485 LR 15:487 LR 15:496
9	LAC 48 V.11501	Amended	April, 1989 LR 15:272
	V.3703 V.11707 V.11709 V.11901 V.12501	Amended Amended Amended Amended Amended	June, 1989 LR 15:471 LR 15:473 LR 15:475 LR 15:473 LR 15:474

Vol.	Title:Part.Section	Effect	Location
10	LAC 61 I.4359 I.4901	Amended Adopted	April, 1989 LR 15:274 LR 15:274
13	LAC 33 V.Subpart 1 V.4457	Amended Amended	May, 1989 LR 15:378 June, 1989 LR 15:470
14	LAC 33 IX.708	Adopted	April, 1989 LR 15:261

## Committee Reports

### COMMITTEE REPORT

#### House of Representatives House Committee on Commerce Oversight Review

Pursuant to the provisions of R.S. 49:968, the House Committee on Commerce met on June 27, 1989, and reviewed certain changes in state regulations proposed by the Louisiana Real Estate Commission, for which notice of intent was published in the May 20, 1989, *Louisiana Register* with the following results.

1. Real Estate Appraisal Subcommittee- appraiser certification program.

Rejected by a vote of 13-0.

John C. Ensminger  
Chairman

### COMMITTEE REPORT

#### Senate Senate Committee on Commerce Oversight Review

Pursuant to the provisions of R.S. 49:968, the Senate Committee on Commerce met on June 27, 1989, and reviewed certain changes in state regulations proposed by the Louisiana Real Estate Commission, for which notice of intent was published in the May 20, 1989, *Louisiana Register* with the following results:

1. Real Estate Appraisal Subcommittee - appraiser certification program.

Upon motion by Senator Hainkel and without objection, the Senate Committee on Commerce rejected the above referenced rule.

Lawson L. Swearingen, Jr.  
Chairman

## COMMITTEE REPORT

### Senate Committee on the Judiciary-Section C Oversight Review

RE: Consideration of rules proposed by the Department of Public Safety and Corrections relative to the removal of license plates prior to the commercial sale of a used vehicle.

The committee was convened on June 30, 1989. The following members, constituting a quorum were present: Senator Oswald Decuir, Vice-Chairman, Senator Dennis Bagneris, Senator William Jefferson, Senator Gerry Hinton and Senator Joseph McPherson.

The meeting was called to order at 10:35 a.m. by Vice-Chairman, Oswald Decuir. The committee considered rules proposed by the Department of Public Safety and Corrections. The declaration of emergency and the notice of intent were published in Vol. 15 No. 5 of the *Louisiana State Register*, dated May 20, 1989.

After the committee's consideration, it was established that the rules promulgation procedure had not been strictly followed. Therefore, pursuant to R.S. 49:968(D)(1)(b) and (d), the committee voted unanimously to reject the proposed rules.

Senator Oswald Decuir  
Vice-Chairman

Senator John Saunders  
Chairman

## Potpourri

### POTPOURRI

#### Department of Natural Resources Office of the Secretary

Pursuant to R.S. 56:700.5.C., the Department of Natural Resources proposes to adopt regulations governing marking and labeling of all materials, equipment, tools, containers, and pipe used by the oil and gas industry within the Louisiana coastal zone.

A public hearing will be held on Thursday, August 24, 1989 at 10 a.m. in the Conservation Hearing Room, First Floor, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Parties may comment both orally and in writing, and, specifically on the following suggested methods of labeling individual pipes (for new pipelines and flowlines):

1. stamping or denting an identification into the metal pipe using a hammer strike die;
2. using a plastic identification strap, wrapped around the pipe at the collar; or
3. using a brass or bronze identification band wrapped around the pipe;

4. labels on flowlines and other pipelines should achieve a life span of 20 years.

Written comments addressed to the secretary of the Department of Natural Resources, Box 94396, Baton Rouge, LA 70804 may be submitted not later than September 30, 1989.

Raymond W. Stephens, Jr.  
Secretary

### POTPOURRI

#### Department of Natural Resources Office of the Secretary

##### Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1, notice is given that twenty-five claims amounting to \$52,617.54 were received during the month of June, 1989. During the same month, no claims were paid and two were denied.

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the secretary of DNR will approve payment, effective August 1, 1989.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before July 31, 1989.  
Claim No. 88-89-262

Lawrence J Adams, Jr., 545 Deborah Ann, Barataria, LA 70036, SSN 439-60-4224, Bayou St. Denis, Jefferson. Amount \$1492.72  
Claim No. 88-89-263

Lawrence J Adams, Jr., 545 Deborah Ann, Barataria, LA 70036, SSN 439-60-4224, Smithy's Bayou, Plaquemines. Amount \$3310.33  
Claim No. 88-89-291

Wayne Gray, Rt. 2 Box 516, St. Bernard, LA 70085, SSN 434-17-7738, Lake Eloi, St. Bernard. Amount \$2384.37  
Claim No. 88-89-386

Harry L. Phillips, 2124 Pecan Ave., St. Bernard, LA 70085, SSN 438-69-3234, Lake Mitchell, St. Bernard. Amount \$ 740.  
Claim No. 88-89-249

Billy Cheramie, Rt. 1 Box 268, Galliano, LA 70354, SSN 436-27-4854, Gulf of Mexico, Loran 27538 46928, Iberia. Amount \$1440.88  
Claim No. 88-89-268

Peter Gerica, Route 6 Box 285 K, New Orleans, LA 70129, SSN 434-96-7979, Lake Pontchartrain, Loran 28806 47045, Orleans. Amount \$919.61  
Claim No. 88-89-23

Larry J. Savoie, Sr., 103 East 161 St., Galliano, LA 70354, SSN 434-50-9035, Parking Lot, Terrebonne. Amount \$4676.56  
Claim No. 88-89-317

Tommy Cheramie, Inc., Rt. 2, Box 485-D, Cut Off, LA 70345, SSN 437-98-8486, Loran 27835.2 46859.8, Gulf of Mexico, Terrebonne. Amount \$781.43

Raymond W. Stephens, Jr.  
Secretary



**CUMULATIVE INDEX  
(Volume 15, Number 7)**

**1989**

<i>Pages</i>	<i>Issue</i>
3— 54 .....	January
57— 136 .....	February
141— 231 .....	March
237— 346 .....	April
353— 431 .....	May
439— 517 .....	June
527— 584 .....	July

**AGRICULTURE AND FORESTRY DEPARTMENT**

**Agricultural and Environmental Sciences, Office of**

- Advisory Commission on Pesticides, 76R, 441ER
- Chemistry Lab fee, 77R
- Crop pests, diseases
  - Quarantine, 344P
  - Sweet potato weevil quarantine, 427P
- Feed Commission
  - Aflatoxin adulterant standards, 241ER
- Honeybee import, 49P
- Horticulture Commission
  - Landscape architect exam, 134P
  - Retail floristry exam, 134P, 427P
- Nursery certificate fee, 77R
- Seed Commission
  - Hybrid seed corn, 394N
  - Okra seed, 394N
  - Onion bulbs and seed, 394N
  - Rice seed, 394N
  - Soybean seed, 394N
  - Seed Irish potato, 78R
  - Structural Pest Control Commission, 555N

**Agro-Consumer Services, Office of**

- Weights and Measures Commission
  - Registration, 78R

**Animal Health Services, Office of**

- Livestock Sanitary Board
  - Auction market, 395N
  - Definitions 394N
  - Permanent identification, 396N
  - Poultry slaughter, testing, 396N
  - Reporting contagious diseases, 397N
  - Video auction market, 501N

**Forestry, Office of**

- Burning fee, 503N
- Seedling prices, 398N
- Timber marking fee, 504N
- Timber stumpage, 5R
- Timberland fire protection, 79R

**Management and Finance, Office of**

- Central Registry
  - Farm product additions, 110N, 256R
- Meat, poultry, seafood fee, 79R
- Market Commission
  - Market bulletin, 75R

**Marketing, Office of**

- Crawfish Promotion Research Board
- Crawfish bags, 200N

**CIVIL SERVICE DEPARTMENT**

**Civil Service Commission**

- Amends certain rules, 201N
- Appeal disposition, 398N
- Disciplinary actions, 398N
- Layoff avoidance, 504N
- Leave, unclassified position, 505N
- Pay adjustment, 16N, 202N, 281N
- Preferred reemployment list, 505N
- Red circle pay rate, 505N
- Referee decision review, 505N
- Restricted appointment, 505N
- Suspensions, 398N
- Unsatisfactory rating, 505N

**CULTURE, RECREATION AND TOURISM DEPARTMENT**

**Cultural Development, Office of**

- Guide to Arts Program, 561N

**ECONOMIC DEVELOPMENT DEPARTMENT**

**Architectural Examiners, Board of**

- Application for exam, 5R
- Examination, 5R, 562N
- Grades, reversing, 562N
- Nat'l. Council, Architectural Registration Bd., 506N
- Registration, 5R
- Renewal procedure, 507N

**Auctioneers Licensing Board**

- Licensing, 257R

**Certified Public Accountants, Board of**

- Education requirements, 399N, 402N
- Qualifying experience, 403N
- Permits, 404N

**Commerce and Industry, Office of**

- Finance Division
  - General Provisions, 408N
- Financial fees, 441ER
- Industrial Tax Equalization, 144ER
- LA Capital Companies Tax Credit, 147ER
- LA Industrial Training Program, 406N

**Economic Development Corporation**

- Minority and Women Business
  - Development, 242ER, 281N, 445R
- Minority Venture Capital Match
  - Program, 60ER, 293N, 464R
- Small Business Equity Program
  - Feasibility studies, 64ER, 288N, 459R
  - Loan guaranty, 64ER, 282N, 453R, 530ER
  - Loan participation, 67ER, 285N, 456R
  - Small Business Innovative Research Program, 405N

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation      N—Notice of Intent      P—Potpourri**

**PPM—Policy and Procedure Memorandum      R—Rule**

Technology Transfer/Commercialization Grant, 530ER  
Venture Capital Co-investment  
Program, 61ER, 289N, 460R  
Venture Capital Match Program, 63ER, 292N, 463R, 531ER

**Financial Institutions, Office of**

ABC Financial Services, Inc., 427P  
Fees, assessments, 294N, 465R

**Racing Commission**

Application form, 7R  
Bleeder medication, 7R  
Disqualified horse recognized as winner, 202N  
Horse registration, 7R, 3ER  
Super six, 8R  
Testing for dangerous substance abuse, 250ER,  
294N  
Twin trifecta, 8R

**Real Estate Commission**

Appraiser certification, 410N, 583CR, 583CR  
Exams, 80R  
License applications, 80R

**Used Motor Vehicle and Parts Commission**

Procedural changes, 111N, 258R, 375R  
Vehicle service contracts, 295N, 466R

**EDUCATION DEPARTMENT**

**Elementary and Secondary Education, Board of**

8(g) Program, budget, 203N, 468R  
8(g) Calendar, 8R  
8(g) Policy Manual, 16N, 181R, 260R  
Act 832 implementation, 207N, 468R  
Adult Ed. State Plan, 566N  
Agriculture I, II, 563N  
Bulletin 741  
Elective/exploratory class list, 442ER  
Elementary class flex time, 442ER, 563N  
Elementary elective/exploratory courses, 563N  
H.S. credit for correspondence courses, 17N, 260R  
Journalism courses, 17N, 260R  
Local electives, 18N, 261R  
Maximum class size, K-3, 113N, 376R  
Pre-algebra, 80R  
Presidential election holiday, 298N, 544R  
Secondary local elective courses, 19N, 261R  
Sex education, 204N, 468R  
State Exit Exam, 373ER, 508N  
Bulletin 746  
Assistant Superintendent standards, 113N, 376R  
Principal certification, 564N  
Reading specialist certification, 410N  
Upper elem. teacher certification, 564N  
Bulletin 1191  
Transportation Handbook-Age requirement, 204N, 468R  
Transportation Handbook-Driver experience, 205N,  
468R  
Bulletin 1196  
Competitive food policy, 9R  
Bulletin 1213  
Type "D" buses, 298N, 544R  
Bulletin 1794  
Materials of Instruction/Textbooks procedure, 411N  
Child care food program, 9R  
Criterion referenced test/graduation test, 206N, 469R

ECIA, ESEA application, 508N  
Homeless Children Education, 509N  
Migrant Education, 355ER, 510N  
Nonpublic school standards, 19N, 261R  
Remedial program, 250ER, 412N  
SSD No. 1 reduction in force, 253ER, 411N  
Teaching certificate denial, 9R  
Test scores, 69ER  
Test security, 70ER, 207N, 469R  
Textbook funds for K-3 material, 533ER  
Tuition exemption Continuing Education, 534ER  
Vocational Agriculture, 536ER  
Vocational Education State Plan, 566N  
Waivers of minimum standards, 531ER

**Proprietary School Commission**

Licensure exemption, 210N, 377R  
Occupational studies degree assoc., 209N, 376R  
Staff qualifications, 210N, 378R

**ENVIRONMENTAL QUALITY DEPARTMENT**

**Air Quality and Nuclear Energy, Office of**

Asbestos-containing materials, 567N  
Fee Schedule, 568N

**Nuclear Energy Division**

NORM, 299N, 510N  
Radiation, 71ER

**Solid and Hazardous Waste, Office of**

Hazardous Waste Division  
Act 803, 211N, 378R  
Boiler, industrial furnaces, 568N  
Closure requirements, 181R  
Conformity II, 301N, 470R  
Definitions, 569N  
Discarded commercial chemicals, 181R  
Ignitable/reactive wastes, 181R  
Incompatible wastes, 181R  
Wastewater exclusions, 181R

**Water Resources, Office of**

Oil and gas, 114N, 261R  
Surface water, 570N  
Water pollution, 73ER

**EXECUTIVE ORDERS**

BR 89-1—Amends BR 88-41 — Creating Governor's Special  
Task Force on Judicial Selection, 59  
BR 89-2—Amends BR 88-20 — Transferring Research Division  
to Department of Economic Development, 59  
BR 89-3—Amends BR 88-43 — Creating Employee Group  
Benefits Program Task Force, 59  
BR 89-4—Grants Excess Unused Ceiling to Certain Projects, 59  
BR 89-5—Increases Number of Ex-officio Members in Highway  
Safety Commission, 60  
BR 89-6—Amends BR 88-46 to appoint members to the Special  
Task Force from the Senate, 143  
BR 89-7—Creates a Task Force on Criminal Justice, 143

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation N—Notice of Intent P—Potpourri**

**PPM—Policy and Procedure Memorandum R—Rule**

- BR 89-8—Declares a state of emergency for repairs to T.H. Harris Voc.-Tech School, 144
- BR 89-9—Appoints additional members to the Task Force on Criminal Justice, 144
- BR 89-10—Creates task force on disparity in state procurement, 239
- BR 89-11—Creates task force on shrimp management, 239
- BR 89-12—Composition and duties of the Louisiana Historical Records Advisory Commission, 240
- BR 89-13—Amends BR-89-7 to include another member on the task force, 355
- BR 89-14—Organizes the Louisiana Economic Development Cabinet, 355
- BR 89-15—Creates the Governor's Task Force on Welfare Reform within the Department of Social Services, 439
- BR 89-16—Establishes state employee awareness about substance abuse, 439
- BR 89-17—Authorizes inmate labor for certain renovations at LTI in Baton Rouge, 440
- BR 89-18—Authorizes inmate labor to repair oxidation pond at LTI in Baton Rouge, 440
- BR 89-19—Declares July 3-4 holidays, 440
- BR 89-20—Amends BR 89-12 regarding composition of Louisiana Historical Records Advisory Commission, 527
- BR 89-21—Transfers functions being performed by Division of Administration under an Economic Development Administration grant to Department of Economic Development, 527
- BR 89-22—Transfers particular offices of the former Department of Health and Human Resources (DHHR) to the Department of Health and Hospitals (DHH) and Department of Social Services (DSS), 527

## **GOVERNOR'S OFFICE**

### **Architects Selection Board**

Organization, 115N, 262R

### **Division of Administration**

Commissioner's Office

Policy and Procedure Memoranda

PPM No. 73, 528

Uniform fee schedule, 302N

Contractual review, 81R

Property Assistance Agency, 571N

Risk Management

Insurance, 85R

State Planning

LCDBG final statement, '89, 20N, 182R, 212N, 378R

### **Elderly Affairs, Office of**

Long-term care ombudsman, 213N, 379R

State Plan on Aging, 116N, 150ER, 263R

Title III-C Nutrition, 214N, 384R

### **Special Commission on Education Services**

Award processing fee, 303N, 571N

### **Women's Services, Office of**

Marriage license fees, 117N, 268R

## **HEALTH AND HOSPITALS DEPARTMENT**

### **Dietetics and Nutrition, Board of**

Foreign graduate license, 86R

### **Embalmers and Funeral Directors, Board of**

Embalmer requirements, 9R

Exam, 134P

### **Family Security, Office of**

(see Office of Secretary)

MAP

Adds drugs to MAC, 414N, 548R

### **Hospitals, Office of**

Ambulance certification, 512N

### **Human Services, Office of**

(previously Office of Mental Health)

OMR/MH/PRADA Block Grant, 11R

### **Licensed Professional Vocational**

**Rehabilitation Counselors, Board of**

General Provisions, 126N, 275R

### **Medical Examiners, Board of**

Alternative qualification, 37N, 272R

Licensure, 36N, 271R

Physician records, 34N, 268R

### **Mental Health, Office of**

(see Office of Human Services)

OMR/MH/PRADA, Block Grant, 11R

### **Nursing Home Administrators, Board of Examiners for**

Certified nurse asst., 3ER, 32N, 194R

Emergency license, 32N, 195R

License refusal, 33N, 195R

Reciprocity, 33N, 195R, 303N

Register use, 572N

### **Physical Therapy Examiners, Board of**

Fees, 214N, 387R

Licensing/certification, 214N, 387R

Practice, 214N, 387R

### **Professional Counselors, Board of Examiners of**

Code of Conduct/Declaration statement, 511N

Mental health counseling, 413N, 544R

### **Psychologists, Board of**

Address display, 87R

Doctoral programs, 86R

License display, 87R

### **Public Health, Office of**

Fee adjustment schedule, 254ER, 304N, 471R

Hemophilia program, 414N, 545R

Lead Poisoning Program, 88R

Sanitary Code

Mechanical wastewater treatment plant, 38N, 196R,

306N, 472R

Non-dairy frozen desserts, 88R

Reportable diseases, conditions, 305N, 471R

Sewage treatment, 307N

Temporary food service, 39N, 89R

Vital Records

Copies of records, 308N, 473R

Local registrars, 308N, 473R

Orleans Parish marriage license, 309N, 474R

Paternity, 118N, 272R

Records for research, 310N, 475R

### **Secretary, Office of**

Block grants, 415N

Child day care center, 222N, 546R

Child placing agency, 222N, 546R

### **CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

Facility Need Review, 11R  
Fees, 312N, 476R  
ICF/MR additional beds, 573N  
Infectious disease notification, 42N, 196R  
MAP

Annual resident review, 374ER  
Chronic mental illness, 320N, 478R  
Drug price not subject to multiple source  
limits, 536ER  
Facility Need Review Program, 220N, 392R, 416N,  
418N, 546R, 547R  
HIV disabled, 322N, 479R  
Hospice care, 155ER, 328N, 482R  
Infants, service limit, 331N, 485R  
Inpatient hospital reimbursement, 326N, 482R  
Insurance procedures, 319N, 483R  
LMAC-multiple source drugs, 255ER, 414N, 548R  
LTC facility screening, 328N, 484R  
LTC income disregards, 92R  
LTC medical eligibility for SNF, 329N, 484R  
LTC reimbursement for ICF/MR, 572N  
LTC vacancy notice, 513N  
OSS payment increase, 221N, 392R  
Preadmission screening, 374ER  
Pregnant women, 324N, 482R  
Prescription drug dispensing fee, 539ER  
Provider ID instructions, 330N, 484R  
Psychiatric care reimbursement, 442ER  
SNF rate, technology dependent children, 374ER  
SNF/TDC reimbursement, 443ER  
Medicaid recipient rights, 346P  
Medicare catastrophic coverage, 255ER  
Mentally ill rehab, 539ER  
Need Review Policy, 11R  
Pharmacist/Medical records practitioner, 512N  
Physician inclusion of podiatrists, 49P  
Reimbursement for inpatient hospital services, 155ER  
Resident screening, review, 4ER  
Sliding fee policy, 92R

#### **INSURANCE DEPARTMENT**

##### **Insurance Education Advisory Council**

Educational requirements for agents, 419N, 548R

#### **JUSTICE DEPARTMENT**

##### **Attorney General Office**

Electronic Video Bingo, 73ER, 74ER, 223N

#### **LABOR DEPARTMENT**

##### **Employment Security, Office of Review, Board of**

Claims appeal, 120N, 485R  
Employment security law, 122N, 487R

##### **Labor, Office of**

Community Services Block Grant, 332N  
Job Training Partnership Act, 332N, 496R

##### **Research and Statistics**

Data estimates, 134P

##### **Worker's Compensation, Office of**

Self-insurers, 514N

#### **LOUISIANA ADMINISTRATIVE CODE UPDATE**

October, 1988 -- December, 1988, 47  
January, 1989 - March, 1989, 343  
April, 1989 - June, 1989, 583

#### **NATURAL RESOURCES DEPARTMENT**

##### **Conservation, Office of**

Hazardous liquid pipeline, 224N, 420N, 552R  
Injection and Mining Division  
Hearing 430P, 430P  
Public hearing, 230P, 230P, 231P, 429P  
Statewide order 29-L, 575N  
Statewide order 29-N-2, 225N  
Statewide order 29-Q-1, 421N, 551R

##### **Fishermen's Gear Compensation Fund**

Claims, 49P, 135P, 228P, 346P, 427P, 517P, 584P  
Fee notice, 334N, 497R

##### **Secretary, Office of**

Public hearing, 584P

#### **PUBLIC SAFETY AND CORRECTIONS DEPARTMENT**

##### **Motor Vehicles, Office of**

License plate removal, 374ER, 421N, 584CR

##### **Private Security Examiners, Board of**

Amendments, 11R

##### **State Fire Marshal, Office of**

Health care facility emergency generator, 95R  
Life Safety Code, 96R

##### **State Police, Office of**

DWI, 577N

#### **REVENUE AND TAXATION DEPARTMENT**

##### **Secretary, Office of**

Dealer recordkeeping, 124N, 274R  
Tax collection alternatives, 122N, 274R

##### **Tax Commission**

Residential property appraisal, 430P  
Timber stumpage, 5R

#### **SECRETARY OF STATE DEPARTMENT**

##### **Secretary, Office of**

Foreign corporations, 125N, 338N, 498R

#### **SOCIAL SERVICES DEPARTMENT**

##### **Community Services, Office of**

Children's trust fund, 129N, 279R  
Executive Committee, 423N  
LIHEAP, 335N, 498R  
Parliamentary Procedure, 423N  
Proprietary school, 422N, 553R  
SSBG, 336N, 431P  
Telephone Access Program, 423N  
Three-year State Plan, 423N

##### **CR – Committee Report**

##### **EO – Executive Order**

##### **ER – Emergency Rule**

##### **L – Legislation**

##### **N – Notice of Intent**

##### **P – Potpourri**

##### **PPM – Policy and Procedure Memorandum**

##### **R – Rule**

## **Eligibility Determinations, Office of**

### **AFDC Program**

Bona fide loans, 225N, 392R  
Child support enforcement, 96R  
Earned income disregards, 515N  
Error rate, 130N, 279R  
Essential persons, 156ER, 337N, 497R

### **Food Stamp Program**

Dependent Care, 14R  
Earned income tax credit, 226N, 393R  
Foster care, 227N, 393R  
Foster children, 74ER  
Pre-release applications, 337N, 497R  
Public institution residents, 157ER  
Replacement issuances, 515N  
IFG Program, 444ER, 578N  
Income tax credit, 74ER  
RCA recipients' monthly reporting, 424N, 553R  
Work requirements, 96R

## **Rehabilitation Services**

Proprietary school, 422N, 553R

## **Secretary, Office of**

LIHEAP, 335N, 498R  
Public hearing, 52P

## **TRANSPORTATION AND DEVELOPMENT DEPARTMENT**

### **Maintenance**

Driveway permit, 48CR

### **Secretary, Office of**

Ferry toll, 43N, 44N, 444ER, 444ER  
Real Estate, 157ER

### **Traffic and Planning**

Outdoor advertising, 15R

### **Weights and Measures**

Airport fuel vendors/distributors, 15R  
Fees for manuals, 15R  
New product evaluation, 48CR  
Project inspections, 48CR  
Qualified product list, 48CR

## **TREASURY DEPARTMENT**

### **Bond Commission**

Applications, 4ER, 44N, 197R  
Tax-exempt bond issues, 375ER, 516N

### **State Employees Group Benefits Program**

Admission dates, 97R  
Case management, 578N  
Dental surgery, 97R  
Emergency Room, 130N, 279R  
Fee schedule, 131N, 280R, 339N, 499R  
HMO's, 97R  
Obesity treatment, 99R  
Out-patient surgery, 100R  
Rate increase, 132N, 280R  
Single claim determination period, 133N, 280R

### **State Employees' Retirement System**

Active member trustees, 342N

### **Treasurer, Office of**

Government agency obligations, 580N  
Time certificates of deposit, 580N

## **WILDLIFE AND FISHERIES DEPARTMENT**

### **Fisheries, Office of**

Oyster lease rental, 49CR  
Oyster lease survey, 197R

### **Wildlife and Fisheries Commission**

Alligator season, 541ER  
Black and Clear Lakes net ban, 15R  
Fish seining prohibition, 133N, 281R  
Free fishing days, 424N  
Hunting seasons, 425N, 553R  
Lake Bistineau netting prohibition, 426N, 554R  
Mesh size for nets, 256ER  
Refugee, wildlife management areas, 100R  
Saltwater gill and trammel nets, 46N, 280R  
Seizure, forfeiture, disposition, 426N, 554R  
Shrimp season, 4ER, 46N, 375ER, 445ER, 445ER  
Spotted seatrout, 256ER  
Toledo Bend Reservoir-  
Black bass prohibition, 227N, 393R  
Waterfowl conservation stamp, 105R  
Wildlife value guidelines, 45N, 200R

**CR – Committee Report**

**EO – Executive Order**

**ER – Emergency Rule**

**L – Legislation**

**N – Notice of Intent**

**P – Potpourri**

**PPM – Policy and Procedure Memorandum**

**R – Rule**



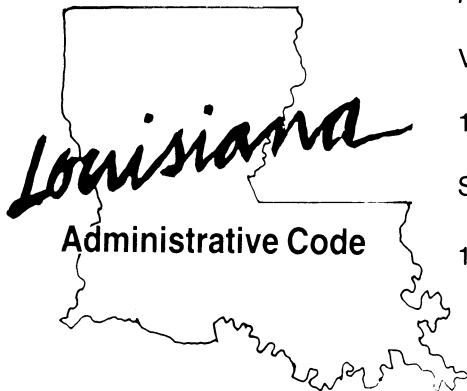
# LOUISIANA ADMINISTRATIVE CODE

The *Louisiana Administrative Code* is a vitally important publication of the State of Louisiana! When completed, it will be a comprehensive extension to your law library. It will contain approximately 20 volumes. It will be updated annually by supplement, and quarterly in the *Louisiana Register*. The books are compiled by subject matter like the revised statutes, but with an entirely different codification system. You may order the entire set or specific volumes.

## NEW VOLUME 16 — TRANSPORTATION

- Volume 1 — Rules on Rules, Banks and Savings and Loans, Horse Racing, and Securities
- Volume 2 — Agriculture and Animals
- Volume 3 — Professional and Occupational Standards
- Volume 4 — Administration
- Volume 5\* — Wildlife and Fisheries
- Volume 6 — Public Safety and Corrections
- Volume 7 — Cultural Resources, Insurance, Labor and Employment
- Volumes 8 and 9 — Public Health-General (Sold as set only)
- Volume 10 — Revenue and Taxation
- Volumes 11 and 12 — Air Quality
- Volume 13 — Hazardous Waste
- Volume 14 — Solid Waste, Underground Storage Tanks, Water Resources
- Volume 15 — Nuclear Energy

\*\$20



*Please send me the Volume(s) and/or Supplement(s) circled below.*

VOLUMES \$40 EACH: STATE AGENCIES \$20

1 2 3 4 5\* 6 7 8 9 10 11 12 13 14 15 16

SUPPLEMENTS \$15 EACH

1 2 3 4 5

LOUISIANA ONLY  
ADD 3% SALES TAX

AMOUNT  
ENCLOSED

NAME OF COMPANY

CONTACT PERSON

ADDRESS

TELEPHONE

( )

PLEASE SEND TO:

OFFICE OF STATE REGISTER  
P.O. BOX 94095  
BATON ROUGE, LA 70804-9095  
(504) 342-5015

Cut along dotted line

