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This public document was published at a total cost of \$3,760. Five hundred copies of this public document were published in this monthly printing at a cost of \$3,760. The total cost of all printings of this document including reprints is \$3,760. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. 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.

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# Executive Orders

## EXECUTIVE ORDER BJ 12-22

Executive Branch—DOTD Guidelines for Vehicles, Trucks and Loads which Haul Hay from Louisiana to Texas

WHEREAS, R.S. 32:387 sets forth the terms and conditions whereby vehicles hauling certain loads may be issued special permits by the Department of Transportation and Development if they are in excess of legal statutory size and weight limits;

WHEREAS, as a result of the effects of a severe and extended drought conditions in several states, a necessity has arisen for oversize loads of hay to be expeditiously moved from Louisiana to those states experiencing drought conditions;

WHEREAS, the economic vitality of the farming industry is extremely dependent on the availability of hay for feed for the livestock; and

WHEREAS, in order to provide emergency assistance to farmers, the State of Louisiana is willing to waive certain permits, fees, and other obligations normally incurred by transporters;

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

SECTION 1: The Department of Transportation and Development, the Department of Public Safety, and the Department of Revenue shall waive the following statutory requirements for the shipment of hay:

A. The following sizes and weights for vehicles transporting hay of highways maintained by the State of Louisiana shall not exceed the following limitations without permits:

1. All such vehicles transporting round hay bales to be loaded side by side across trailers creating dimensions that shall not exceed twelve (12) feet in width and shall not exceed fourteen (14) feet in height.

B. Permit fees are waived for all carriers while engaged in the transportation of hay to the victims of the drought in Texas.

C. The following requirements shall remain in effect:

1. All such vehicles must travel during daylight hours only, beginning at sunrise and ending at sunset.

2. All such vehicles must travel with the required signs and flags properly placed and indicating that they bear oversized loads.

3. Vehicles must be equipped with mirrors so that drivers are able to have a clear view of the highway at least 200 feet to the rear of the vehicle.

4. Loads must be securely bound to the transporting vehicles.

E. Carriers, owners and/or drivers of any vehicle being operated under this Order are responsible for verifying in advance that the actual dimensions and weights of the

vehicles and loads are acceptable for all routes being traveled.

SECTION 2: Nothing in this Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and similar structures, or relieve any vehicle or carrier, owner or driver of any vehicle from compliance with any restrictions other than those specified, or from any statute, rule, order or other legal requirement not specifically waived herein.

SECTION 3: This Order is effective upon signature and shall terminate on Thursday, April 25, 2013, unless amended, modified, terminated or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2012.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
J. Thomas Schedler  
Secretary of State  
1211#119

## EXECUTIVE ORDER BJ 12-23

Bond Allocation—Louisiana Local Government  
Environmental Facilities and  
Community Development Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. BJ 2008-47 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits (hereafter “Ceiling”);

(2) the procedure for obtaining an allocation of bonds under the Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, The Louisiana Local Government Environmental Facilities and Community Development Authority has applied for an allocation of the 2012 Ceiling to be used in connection with the financing by BFNO Properties LLC of the acquisition, rehabilitation and equipping of a 272 -unit residential rental facility for individuals and families of low and moderate income located in New Orleans, Louisiana (the “Project”); and

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2012 Ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$16,000,000	Louisiana Local Government Environmental Facilities and Community Development Authority	Jacksons's Landing North Apartments

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2012, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2012.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 31st day of October, 2012.

Bobby Jindal  
Governor

ATTEST BY  
THE GOVERNOR  
J. Thomas Schedler  
Secretary of State  
1211#120

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Division of Programs Licensing Section

Juvenile Detention Facilities Licensure Effective Date  
(LAC 67:V.7507)

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section in accordance with provisions of the Administrative Procedure Act, R.S. 49:953(B) proposes to amend LAC 67:V, Subpart 8, Chapter 75 Juvenile Detention Facilities, Section 7507, to change the effective date of the licensing standards for juvenile detention facilities. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. This Emergency Rule extension is effective on November 29, 2012 and will remain in effect until the Final Rule becomes effective.

Section 7507 Licensing Requirements is being amended in accordance with Act 366 of the 2012 Legislative Session. Act 366 amended and reenacted R.S. 15:110(E) by changing the effective date for the licensure of all juvenile detention facilities from on or before January 1, 2013, to on or before July 1, 2013. This includes facilities owned or operated by any governmental, profit, nonprofit, private, or public agency. Emergency action is necessary to ensure that the department is in compliance with Act 366 which is effective August 1, 2012.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 75. Juvenile Detention Facilities

#### §7507. Licensing Requirements

##### A. General Provisions

1.a. All providers meeting the criteria of Section 7507.A.1.b shall obtain a license on or before July 1, 2013 in accordance with R.S. 15:1110(E) in order to continue operating.

b. All providers in operation prior to July 1, 2013 may continue to operate without a license if timely application for a license has been made to DCFS. Providers shall make application to the department within 90 days of the effective date of this rule. All requirements herein shall be met, unless otherwise expressly stated in writing by the department prior to the issuance of a license.

2. Effective July 1, 2013, it is mandatory to obtain a license from the department prior to beginning operation.

##### A.3. - I.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended by the Department of Children and Family Services, Division of Programs, Licensing Section LR 38:

Suzy Sonnier  
Secretary

1211#123

## DECLARATION OF EMERGENCY

### Department of Children and Family Services Economic Stability

Child Care Assistance Program (CCAP)—Reducing the  
Income Limit for Eligibility (LAC 67:III.5103 and 5109)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67:III, Subpart 12, Chapter 51 Child Care Assistance Program, Sections 5103 and 5109. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on November 28, 2012 and will remain in effect until the Final Rule becomes effective.

Section 5103 is being amended to reduce the maximum income limit for Child Care Assistance Program (CCAP) eligibility. The income limit is based on a percentage of the State Median Income (SMI), which is being reduced from 65 percent SMI to 55 percent SMI.

Section 5109 is being amended to allow the department to reduce the number of children's absences paid to CCAP providers who care for CCAP children that are authorized for full-time care.

The department considers emergency action necessary finding that an imminent threat may exist to the safety and welfare of children whose parents and guardians would not be able to afford adequate child care. Due to reductions in federal funding, the department is attempting to avoid the implementation of a child care waiting list or "freeze" on accepting applications. Implementing a child care waiting list or application "freeze" may lead to the most vulnerable families seeking services of "underground" or unregulated childcare, possibly placing their children in dangerous, unsupervised settings that could lead to abuse and/or neglect. A waiting list or application "freeze" could force the department to significantly reduce the level of service we offer and would be contrary to the DCFS mission of working to keep children safe and helping individuals and families become self-sufficient.

Although this Rule may result in a reduction of CCAP cases, it is the intent of the department to provide core



services to the most vulnerable families who are in dire need of these vital services while continuing to operate with the funding available for CCAP.

**Title 67**

**SOCIAL SERVICES**

**Part III. Economic Stability**

**Subpart 12. Child Care Assistance Program**

**Chapter 51. Child Care Assistance Program**

**§5103. Conditions of Eligibility**

A. - B.4.c. ...

d. exception: a household in which all of the members described in Paragraph B.4 of this Section meet the disability criteria is not eligible for child care assistance unless one of those members meets, effective June 1, 2011, the required minimum average of 30 activity hours per week.

5. Household income does not exceed 55 percent of the state median income for a household of the same size. Income is defined as:

B.5.a. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L.104-193, Act 58 2003 Reg. Session, ACF Guidance: ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:1106 (July 2003), LR 29:1833 (September 2003), LR 30:496 (March 2004), LR 30:1487 (July 2004), LR 31:101 (January 2005), LR 31:2263 (September 2005), LR 32:1464 (August 2006), LR 33:506 (March 2007), LR 34:692 (April 2008), LR 36:1278 (June 2010), repromulgated LR 136:1767 (August 2010), LR 37:1374 (May 2011), amended by the Department of Children and Family Services, Division of Programs, Economic Stability, LR 38:

**§5109. Payment**

A. - D. ...

E. Payment will not be made for absences of more than two days by a child in any calendar month or for an extended closure by a provider of more than two consecutive days in any calendar month. A day of closure, on a normal operating day for the provider, is counted as an absent day for the child(ren) in the provider's care. If a child authorized for full-time care attends child care less than four hours in one day, this will be counted as a half day absent and half the daily rate will be paid to the provider. No absences will be authorized for part-time care.

1. Exception. In cases of a federal/state/locally declared emergency situation, or other special circumstances, the department may at the discretion of the Deputy Secretary of Programs waive this absence policy.

F. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and P.L. 104-193, ACF Guidance: ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2445(December 1999), LR 26:2828 (December 2000), LR 27:1933 (November 2001), LR 28:1491 (June 2002), LR 29:1834 (September 2003), LR 30:1485 (July 2004), repromulgated LR 30:2078 (September 2004), amended LR

31:2265 (September 2005), LR 32:1465 (August 2006), LR 32:2097 (November 2006), LR 33:507 (March 2007), LR 34:692 (April 2008), LR 36:555 (March 2010), LR 36:847 (April 2010), LR 36:1279 (June 2010), LR 37:3491(December 2011, amended by the Department of Children and Family Services, Division of Programs, Economic Stability Section, LR 38:

Suzy Sonnier  
Secretary

1211#122

**DECLARATION OF EMERGENCY**

**Office of the Governor  
Crime Victims Reparations Board**

Crime Victims Reparations (LAC 22:XIII.503)

The following amendment is published in accordance with R.S. 46:1807(C)(1), the Crime Victims Reparations Act, which allows the Crime Victims Reparations Board to promulgate rules necessary to carry out its business or provisions of the Chapter. This Rule will clarify the reimbursement of lost wages/earnings to crime victims.

This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part XIII. Crime Victims Reparations Board**

**Chapter 5. Awards**

**§503. Limits on Awards**

A. - C.2. ...

D. Lost Wages/Earnings

1. - 3.b. ...

4. The board may reimburse lost wages/earnings as follows:

D.4.a. - O.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR 37:1605 (June 2011, LR 39:

**Public Comments**

Interested persons may submit written comments on this Emergency Rule no later than December 5, 2012 at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Lamarr Davis  
Chairman

1211#004

# DECLARATION OF EMERGENCY

## Office of the Governor Motor Vehicle Commission

Hearing Procedures and Recreational Product Shows  
(LAC 46:V.309, Chapters 15 and 17)

The Louisiana Motor Vehicle Commission (the "Commission") is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 32:1251 et seq., adopts the following Emergency Rule effective November 5, 2012, and it shall remain in effect for 120 days or until this Rule takes effect through the normal promulgation process, whichever comes first.

The Louisiana Motor Vehicle Commission finds it necessary to adopt this Rule to further implement the provisions of R.S. 49:953C which requires the agency to provide a rule for an interested person to request the adoption, amendment, or repeal of a rule. R.S. 32:1256.1 was enacted by the legislature to provide statutory authority for regional recreational product shows. The enactment of this statute resulted in Chapter 15 being inconsistent with the provisions of the statute requiring that it be repealed by the commission. This Rule repeals Chapter 15 and adopts Chapter 15 to assure that rules are in existence to properly regulate regional recreational product shows under the provision of R.S. 32:1256.1. Chapter 17 is being adopted to replace provisions formerly contained in the repeal Chapter 15. This adoption allows the commission to license dealers and regulate certain situations covered by Chapter 17. This will assure the consuming public will benefit by attendance at regional recreational product shows and expositions conducted by producers under the provisions of the motor vehicle commission law.

### Title 46

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

### Part V. Automotive Industry

#### Subpart 1. Motor Vehicle Commission

#### Chapter 3. Hearing Procedures

#### §309. Petition for Commission Review of Rule

A. A request by an interested party for the adoption, amendment or repeal of a rule pursuant to R.S. 49:953C. shall be made in the form of a petition to the commission. The petition shall include, but shall not limited, to the following:

1. the name and address of petitioner;
2. specific reference to the statute or rules to which it relates;
3. a statement of the proposed action requested;
4. a summary of the content of the rule change proposed if for adoption or repeal; a summary of the change in the rule if proposed for amendment;
5. the specific citation of the enabling legislation purporting to authority the requested review;
6. a statement of the circumstances which require the adoption, amendment or repeal of the rule; and
7. other information appropriate for the commission's deliberation on the request.

B. The petition will be considered by the commission at its next regularly scheduled meeting provided the petition has been filed at least 30 days prior to that meeting.

C. The commission will either deny the petition in writing, stating the reason for denial, or shall initiate rule making proceedings within 90 days after submission of the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 49:953C.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### Chapter 15. Recreational Product Shows

#### §1501. License and Regulation of Recreational Product Shows

A. The commission shall license and regulate recreational product shows at offsite locations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### §1503. Promoter, Producer or Organizer License Fee and Application

A. A promoter, producer or organizer shall obtain a license from the commission and its request for a license shall consist of the following:

1. the application for license shall be on forms prescribed by the commission and shall require such information as the commission deems necessary to enable it to determine the qualifications and eligibility of the applicant;

2. a license fee of \$500 for each year covered by the license;

3. a list of shows proposed or planned for the licensed year. This list shall be updated on an annual basis.

B. Any application not received at the appropriate time shall be charged a late fee in accordance with R.S. 32:1255(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### §1505. Recreational Product Show License Fee and Application

A. The promoter, producer or organizer of a regional or national recreational product show shall be required to obtain a license for the show from the commission and its request for a license shall consist of the following:

1. the application shall be on a form prescribed by the commission and shall require such information as the commission deems necessary to enable it to determine the qualifications and eligibility of the applicant;

2. a license fee of \$100;

3. the license shall be for the recreational product show subject of the application.

B. The application must be submitted to the commission no less than 90 days prior to the opening date of the recreational product show. Any application received after that date shall be charged a late fee in accordance with R.S. 32:1255(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### **§1507. Regional Recreational Product Show; Invitation and Priority**

The promoter shall contact and invite all licensees of the type of recreational products to be displayed at a regional recreational product show as follows:

1. All Louisiana recreational product dealers whose area of responsibility for the brands they represent includes the location of the show shall not later than 75 days prior to the beginning date of the show be invited and have the first option to participate in the show. These licensees shall notify the promoter or producer of its participation in the show within 10 business days of the receipt of the invitation.

2. Louisiana dealers whose area of responsibility does not include the location of the show shall not later than 60 days prior to the beginning date of the show be invited and have the second option to participate in the show, provided that a dealer shall not show the same brand of recreational product as shown by a participating Louisiana recreational product dealer whose area of responsibility includes the location of the show.

3. The promoter shall accept any request from a licensed Louisiana recreational product dealer not excluded by paragraph 2 of this Section to participate in the show so long as space is available at the location of the show as determined by the producer. These licensees shall notify the producer or promoter of its participation in the show within 10 business days of the receipt of the invitation.

4. The promoter after complying with paragraphs 1, 2 and 3 above, may invite nonresident recreational product dealer, distributors, or manufacturers who shall not show the same brand of recreational products as shown by participating Louisiana recreational product dealers.

5. No recreational vehicle dealer, distributor or manufacturer shall participate in any regional recreational product show where its product line of recreational vehicles is represented by a dealer whose area of responsibility includes the location of the show, whether or not that dealer participates in the show. If no dealer's area of responsibility includes the location of the show, any dealer, distributor or manufacturer of a product line of recreational vehicles may participate in the show for so long as space is available as determined by producer.

6. The promoter shall maintain all records of invited, participating and declining dealers and shall furnish these records to the commission ten working days prior to the opening of the recreational products show.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### **§1509. Non-Louisiana Display Permit Fee and Application**

A. A non-Louisiana recreational product dealer, distributor or manufacturer shall obtain a display permit to participate in a regional recreational product show not later than 10 business days prior to the date of the show by providing the following:

1. its name and address;
2. a copy of its current equivalent license from the state of its domicile;

3. a statement to be disclosed at the show to attendees the location of where warranty repairs will be made for products it will display at the show;

4. the name, site and date of the show for which a display permit is sought; and

5. a registration fee of \$250.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### **§1511. Sales at a Regional Recreational Product Show**

A. Except for a licensed Louisiana recreational product dealer whose area of responsibility includes the site of the regional recreational product show, a licensed recreational product dealer or non-resident recreational product dealer may not complete a sales transaction (by accepting purchase funds, completing the paperwork and delivering a product) for recreational products at a regional recreational product show. This restriction shall not apply to or extend to sales price negotiation, accepting deposits, setting closing dates, or completing a buyer's order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### **Chapter 17. Recreational Product Static Offsite Displays; Off-site Expositions**

##### **§1701. Off-Site Expositions of Recreational Products**

A. The executive director must approve all off-site expositions by licensed recreational products dealers. A request for an off-site exposition, accompanied by a fee of \$200, must be received and approved by the executive director ten days prior to the commencement of the exposition. Any application received after that date shall be charged a late fee in accordance with R.S. 32:1255(B).

B. The location of any off-site exposition must be within the dealer's area of responsibility.

C. An off-site exposition of recreational products is limited to a single dealer and shall not exceed nine days.

D. A recreational products dealer may have only four off-site expositions per calendar year and at the same location only once each six months.

E. The number of vehicles at any off-site exposition of recreational products will be left to the discretion of the executive director.

F. The presence of any sales personnel, business cards, brochures, pricing sheets and other points of sales devices will be allowed to answer consumer questions. However, recreational products cannot be delivered from the off-site exposition location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

##### **§1703. Static Offsite Displays**

A. The executive director must approve all offsite displays of recreational products. A licensee's request to display recreational products at an offsite location must be received by the commission seven days prior to the commencement of the display.

B. The location of each display must be within the licensee's defined area of responsibility for the make and model to be displayed, if applicable.

C. Each offsite display will be limited to 30 days, unless the licensee submits a copy of the contract for the location of the offsite display and then the display will be limited to the length of the contract up to a six month period. There will not be a limit on the number of offsite displays allowed per year, per licensee.

D. The number of recreational products at any offsite display will be left to the discretion of the executive director.

E. The presence of any sales personnel, business cards, brochures, pricing sheets, or any other point of sale device is strictly prohibited. The only pricing information allowed on any vehicle(s) displayed will be the Maroney label which is required by federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

#### **§1705. Licensee Participation in a Rally**

##### **A. Closed Rally**

1. A closed rally is conducted and limited to a single product line.

2. A closed rally shall be subject to the provisions of §1701 of this Chapter.

##### **B. Open Rally**

1. An open rally is conducted with multiple product lines invited to participate.

2. An open rally is subject to all provisions of this Chapter related to recreational product shows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1253(E) and R.S. 32:1256.1F.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission, LR 38:

Lessie A. House  
Executive Director

1211#047

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Coordinated Care Network (LAC 50:I.3103-3109 and 3307)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I. 3103-3109 and §3307 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions which implemented a coordinated system of care in the Medicaid Program designed to improve performance and health care outcomes through a healthcare delivery system called coordinated care networks, also known as the BAYOU HEALTH Program (*Louisiana Register*, Volume 37, Number 6).

The department promulgated an Emergency Rule which amended the provisions of the June 20, 2011 Rule to revise the BAYOU HEALTH Program enrollment process to

implement immediate auto-assignment of pregnant women whose Medicaid eligibility is limited to prenatal, delivery and post-partum services. Act 13 of the 2012 Regular Session of the Louisiana Legislature eliminated the CommunityCARE Program. This Emergency Rule also amended these provisions to align the BAYOU HEALTH Program with the directives of Act 13 by removing provisions relative to the former CommunityCARE Program (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to promote the health and welfare of pregnant women by ensuring their immediate access to quality health care services.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the coordinated care network.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part I. Administration**

#### **Subpart 3. Medicaid Coordinated Care**

### **Chapter 31.Coordinated Care Network**

#### **§3103. Recipient Participation**

A. - B.1.b.v. ...

NOTE: Repealed.

C. - D.1.j. ...

k. are enrolled in the Louisiana Health Insurance Premium Payment (LaHIPP) Program.

E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1573 (June 2011), amended LR 38:

#### **§3105. Enrollment Process**

A. - D.1. ...

2. The CCN and its providers shall be required to register all births through the Louisiana Electronic Event Registration System (LEERS) administered by DHH/Vital Records Registry and complete any other Medicaid enrollment form required by DHH.

E. - E.1. ...

2. New recipients, excluding those whose Medicaid eligibility is predicated upon determination of pregnancy, shall be given no less than 30 calendar days from the postmark date of an enrollment form mailed by the enrollment broker to select a CCN and primary care provider (PCP).

a. ...

3. Pregnant recipients with Medicaid eligibility limited to prenatal, delivery, and post-partum services will immediately be automatically assigned to a CCN by the enrollment broker.

a. - d. Repealed.

4. The following provisions will be applicable for recipients who are mandatory or voluntary participants.

a. If there are two or more CCNs in a department designated service area in which the recipient resides, they shall select one.

b. If there is only one CCN in a department designated service area where the recipient resides, the recipient must choose either the CCN, Medicaid fee-for-service or an alternative Medicaid managed care program

that coordinates care and which the department makes available in accordance with the promulgation of administrative Rules.

c. Recipients who fail to make a selection will be automatically assigned to a participating CCN in their area.

d. Recipients may request to transfer out of the CCN for cause and the effective date of enrollment shall be no later than the first day of the second month following the calendar month that the request for disenrollment is filed.

#### F. Automatic Assignment Process

1. The following participants shall be automatically assigned to a CCN by the enrollment broker in accordance with the department's algorithm/formula and the provisions of §3105.E:

a. mandatory CCN participants that fail to select a CCN and voluntary participants that do not exercise their option not to participate in the CCN program within the minimum 30 day window;

b. pregnant women with Medicaid eligibility limited to prenatal care, delivery, and post-partum services; and

c. other recipients as determined by the department.

2. CCN automatic assignments shall take into consideration factors including, but not limited to:

a. the potential enrollee's geographic parish of residence;

b. assigning members of family units to the same CCN;

c. previous relationships with a Medicaid provider;

d. CCN capacity; and

e. CCN performance outcome indicators (when available).

3. Neither the MCO model nor the shared savings model will be given preference in making automatic assignments.

4. CCN automatic assignment methodology shall be available to recipients upon request to the enrollment broker prior to enrollment.

#### G. - G.2.a. ...

b. selects a PCP within the CCN that has reached their maximum physician/patient ratio;

c. selects a PCP within the CCN that has restrictions/limitations (e.g. pediatric only practice); or

d. has been automatically assigned to the CCN due to eligibility limited to pregnancy-related services.

3. Members who do not proactively choose a PCP with a CCN will be automatically assigned to a PCP by the CCN. The PCP automatically assigned to the member shall be located within geographic access standards of the member's home and/or best meets the needs of the member. Members for whom a CCN is the secondary payor will not be assigned to a PCP by the CCN, unless the members request that the CCN do so.

#### G.4. - H.1. ...

##### I. Annual Open Enrollment

1. The department will provide an opportunity for all CCN members to retain or select a new CCN during an annual open enrollment period. Prior to the annual open enrollment period, each CCN member shall receive information and the offer of assistance with making informed choices about CCNs in their area and the availability of choice counseling.

2 - 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1574 (June 2011), amended LR 38:

### §3107. Disenrollment and Change of Coordinated Care Network

A. - F.1.j. ...

k. member enrolls in the Louisiana Health Insurance Premium Payment (LaHIPP) Program.

G. - G.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1575 (June 2011), amended LR 38:

### §3109. Member Rights and Responsibilities

A. - A.11. ...

B. Members shall have the freedom to exercise the rights described herein without any adverse effect on the member's treatment by the department or the CCN, or its contractors or providers.

C. - C.8. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1576 (June 2011), amended LR 38:

### Chapter 33. Coordinated Care Network Shared Savings Model

#### §3303. Shared Savings Model Responsibilities

A. - R.4. ...

a. immediately notifying the department if he or she has a Workman's Compensation claim, a pending personal injury or medical malpractice law suit, or has been involved in an auto accident;

R.4.b. - T.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1578 (June 2011), amended LR 38:

#### §3307. Reimbursement Methodology

A. - C. ...

1. The CCN-S may reimburse the PCP a monthly base case management fee for each enrollee assigned to the PCP.

2. ...

3.-3.b. Repealed.

D. - F. ...

1. The reconciliation shall compare the actual aggregate cost of authorized/preprocessed services as specified in the contract and include the enhanced primary care case management fee for dates of services in the reconciliation period, to the aggregate Per Capita Prepaid Benchmark (PCPB).

2. - 5.c....

6. In the event the CCN-S exceeds the PCPB in the aggregate (for the entire CCN-S enrollment) as calculated in the final reconciliation, the CCN-S will be required to refund up to 50 percent of the total amount of the enhanced primary care case management fees paid to the CCN-S during the period being reconciled.

7. ...

a. Due to federally mandated limitations under the Medicaid State Plan, shared savings will be limited to five percent of the actual aggregate costs including the enhanced primary care case management fees paid. Such amounts shall be determined in the aggregate and not for separate enrollment types.

b. Repealed.

8. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1581 (June 2011), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#080

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Coordinated Care Network—Pharmacy Services Coverage (LAC 50:I.3503-3509)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I.3503-3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions which implemented a coordinated system of care in the Medicaid Program designed to improve performance and health care outcomes through a healthcare delivery system called coordinated care networks, also known as the BAYOU HEALTH Program (*Louisiana Register*, Volume 37, Number 6).

The department now proposes to amend the provisions governing coordinated care networks to include pharmacy services as a covered service under the BAYOU HEALTH Program for recipients enrolled in pre-paid health plans.

This action is being taken to avoid a budget deficit in the medical assistance programs and to promote the health and welfare of recipients enrolled in a BAYOU HEALTH pre-paid health plan. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid

Program by approximately \$16,342,263 for state fiscal year 2012-2013.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing coordinated care networks in order to include the coverage of pharmacy services.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part I. Administration

#### Subpart 3. Medicaid Coordinated Care

#### Chapter 35. Coordinated Care Network Managed Care Organization Model

#### §3503. Managed Care Organization Model Responsibilities

A. - N. ...

O. A CCN-P shall participate on the department's established committees for administrative simplification and quality improvement, which will include physicians, hospitals, pharmacists, other healthcare providers as appropriate, and at least one member of the Senate and House Health and Welfare Committees or their designees.

P. - P.1.b. ...

Q. The member handbook shall include, but not be limited to:

1. - 5.i. ...

j. how to make, change and cancel medical appointments and the importance of canceling and/or rescheduling rather than being a "no show;"

k. the extent to which and how after-hour services are provided; and

l. information about the CCN's formulary and/or preferred drug list (PDL), including where the member can access the most current information regarding pharmacy benefits.

Q.6. - S.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1583 (June 2011), amended LR 38:

#### §3505. Network Access Standards and Guidelines

A. - D. ...

E. Any pharmacy or pharmacist participating in the Medicaid Program may participate as a network provider if licensed and in good standing with the Louisiana State Board of Pharmacy and accepts the terms and conditions of the contract offered to them by the CCN-P.

1. The CCN-P shall not require its members to use mail service pharmacy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1585 (June 2011), amended LR 38:

#### §3507. Benefits and Services

A. - A.2. ...

B. The CCN-P:

1. - 5.a. ...

b. no medical service limitation can be more restrictive than those that currently exist under the Title XIX Louisiana Medicaid State Plan;

6. shall provide pregnancy-related services that are necessary for the health of the pregnant woman and fetus, or

that have become necessary as a result of being pregnant and includes, but is not limited to prenatal care, delivery, postpartum care, and family planning/interconception care services for pregnant women in accordance with federal regulations; and

7. shall establish a pharmaceutical and therapeutics (P and T) committee or similar committee for the development of its formulary and the PDL.

C. - C.4. ...

D. The following is a summary listing of the core benefits and services that a CCN-P is required to provide:

1. - 16. ...

17. chiropractic services;

18. rehabilitation therapy services (physical, occupational, and speech therapies); and

19. pharmacy services (prescription drugs).

NOTE. - G.1.f. ...

g. school-based individualized education plan services provided by a school district and billed through the intermediate school district, or school-based services funded with certified public expenditures;

h. home and community-based waiver services;

i. specialized behavioral health; and

j. targeted case management services.

H. - H.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:185 (June 2011), amended LR 38:

### **§3509. Reimbursement Methodology**

A. - A.4.d. ...

5. PMPM payments related to pharmacy services will be adjusted to account for pharmacy rebates.

B. - K.1. ...

L. Network Provider Reimbursement

1. ...

a. The CCN-P shall pay a pharmacy dispensing fee, as defined in the contract, at a rate no less than the minimum specified in the terms of the contract.

2. - 3.a. ...

M. Out-of-Network Provider Reimbursement

1. - 2. ...

3. The CCN-P is not required to reimburse for pharmacy delivered by out-of-network providers. The CCN-P shall maintain a system that denies the claim at the point-of-sale for providers not contracted in the network.

N. - N.2.a. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1587 (June 2011), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#001

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Bureau of Health Services Financing**

Direct Service Worker Registry  
(LAC 48:I.Chapter 92)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.Chapter 92 as authorized by R.S. 40:2179-2179.1. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with the directives of Act 306 of the 2005 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing the establishment and maintenance of the Direct Service Worker (DSW) Registry and defined the qualifications and requirements for direct service workers (*Louisiana Register*, Volume 32, Number 11). The November 20, 2006 Rule was amended to further clarify the provisions governing the DSW registry (*Louisiana Register*, Volume 33, Number 1). The department amended the provisions governing the training curriculum for direct service workers to require that licensed providers and other state approved training entities that wish to conduct training for direct service workers, and do not have an approved training curriculum, must use the department-approved training curriculum (*Louisiana Register*, Volume 35, Volume 11).

House Concurrent Resolution (HCR) 94 of the 2010 Regular Session of the Louisiana Legislature suspended LAC.48.I.9201-9203 and directed the department to adopt new provisions governing the DSW Registry which will eliminate duplicative regulations and streamline the DSW process. In compliance with the directives of HCR 94, the department promulgated an Emergency Rule which amended the provisions governing the DSW Registry in order to create a more manageable and efficient DSW process (*Louisiana Registry*, Volume 37, Number 4). This Emergency Rule is being promulgated to continue the provisions of the April 20, 2011 Emergency Rule. This action is being taken to protect the health and well-being of Louisiana citizens who receive care from direct service workers, and to eliminate the risks associated with services rendered by direct service workers who have committed substantiated acts of abuse, neglect, or exploitation.

Effective December 15, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Direct Service Workers Registry.

**Title 48**  
**PUBLIC HEALTH—GENERAL**  
**Part I. General Administration**  
**Subpart 3. Health Standards**  
**Chapter 92. Direct Service Worker**  
**Registry Subchapter A. General Provisions**

**§9201. Definitions**

\* \* \*

*Employer*—an individual or entity that pays an individual wages or a salary for performing a job.

\* \* \*

*Finding*—allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department following a decision by an administrative law judge or a court of law after all appeal delays afforded by law or allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department as a result of failure to timely request an appeal in accordance with this rule.

\* \* \*

*Provider*—an entity that furnishes care and services to consumers and has been licensed by the Department of Health and Hospitals to operate in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2058 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9202. Introduction**

A. The Department of Health and Hospitals (DHH) shall maintain a registry of individuals for whom specific findings of abuse, neglect, exploitation or extortion have been substantiated by the department, an administrative law judge or a court of law.

B. The Direct Service Worker Registry will contain the following items on each individual for whom a finding has been placed:

1. name;
  - a. - i.v. Repealed.
2. address;
3. Social Security number;
4. telephone number;
5. state registration number;
6. an accurate summary of finding(s); and
7. information relative to registry status which will be

available through procedures established by the Department of Health and Hospitals, Bureau of Health Services Financing, Health Standards Section (HSS).

C. Employers must use the registry to determine if there is a finding that a prospective hire has abused or neglected an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**Subchapter B. Training and Competency Requirements**

**§9211. General Provisions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:96 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9213. Trainee Responsibilities**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:96 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9215. Training Curriculum**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:96 (January 2007), LR 35:2437 (November 2009), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9217. Training Coordinators**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9219. Competency Evaluation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§9221. Compliance with Training and Competency Evaluation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**Subchapter C. Provider Participation**

**§9231. Provider Responsibilities**

A. Prior to hiring any direct service worker or trainee, a licensed provider shall:

1. assure that the individual is at least 18 years of age, and that they have the ability to read, write and carry out directions competently as assigned; and
2. access the registry to determine if there is a finding that he/she has abused or neglected an individual being



supported or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired.

B. The provider shall check the registry every six months to determine if any currently employed direct service worker or trainee has been placed on the registry with a finding that he/she has abused or neglected an individual being supported or misappropriated the individual's property or funds.

1. The provider shall maintain printed confirmation from the registry web site as verification of compliance with this procedure.

C. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:97 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

### **Subchapter E. Violations**

#### **§9271. Disqualification of Training Programs**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### **§9273. Allegations of Direct Service Worker Wrong-Doing**

A. The department, through the Division of Administrative Law, or its successor, has provided for a process of the review and investigation of all allegations of wrong-doing by direct service workers. Direct service workers and trainees must not:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

### **Subchapter F. Administrative Hearings**

#### **§9285. General Provisions**

A. ...

1. The request for an administrative hearing must be made in writing to the Division of Administrative Law, or its successor.

2. ...

3. Unless a timely and proper request is received by the Division of Administrative Law or its successor, the findings of the department shall be considered a final and binding administrative determination.

a. ...

B. When an administrative hearing is scheduled, the Division of Administrative Law, or its successor, shall notify the direct service worker, his/her representative and the agency representative in writing.

1. - 1.c. ...

C. The administrative hearing shall be conducted by an administrative law judge from the Division of Administrative Law, or its successor, as authorized by R.S. 46:107 and according to the following procedures.

1. - 8. ...

9. When the allegation(s) supporting placement of a finding is substantiated, the direct service worker may not rest on the mere denial in his/her testimony and/or pleading(s) but must set forth specific facts and produce evidence to disprove or contest the allegation(s).

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### **§9287. Preliminary Conferences**

A. - A.6. ...

B. When the Division of Administrative Law, or its successor, schedules a preliminary conference, all parties shall be notified in writing. The notice shall direct any parties and their attorneys to appear on a specific date and at a specific time and place.

C. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:99 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### **§9293. Failure to Appear at Administrative Hearings**

A. If a direct service worker fails to appear at an administrative hearing, a notice/letter of abandonment may be issued by the Division of Administrative Law, or its successor, dismissing the appeal. A copy of the notice shall be mailed to each party.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2063 (November 2006), amended LR 33:100 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#081

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Disproportionate Share Hospital Payments Public-Private Partnerships (LAC 50:V.Chapter 29)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.Chapter 29 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt provisions governing disproportionate share hospital (DSH) payments for non-state-owned hospitals in order to encourage them to take over the operation and management of state-owned and operated hospitals that have terminated or reduced services. Participating non-state owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative.

This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services. It is estimated that implementation of this Emergency Rule will be cost neutral to the Medicaid Program for state fiscal year 2012-2013 as the DSH payments to participating non-state-owned hospitals will be funded with the savings realized from the reduced payments (DSH and Medicaid) to state-owned and -operated hospitals.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish DSH payments to non-state owned hospitals participating in public-private partnerships.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 3. Disproportionate Share Hospital Payments Chapter 29. Public-Private Partnerships

#### §2901. General Provisions

A. Qualifying Criteria. Effective for dates of service on or after November 1, 2012 a hospital may qualify for this category by being:

1. a non-state privately owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility; or

2. a non-state publicly owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#007

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Home and Community-Based Services Waivers Children's Choice—Service Cap Reduction (LAC 50:XXI.11301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.11301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the department promulgated an Emergency Rule which amended the provisions governing the Children's Choice Waiver to reduce the service cap and to reduce the reimbursement rates paid for waiver services (*Louisiana Register*; Volume 37, Number 7).

As a result of a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the Children's

Choice Waiver to reduce the service cap for Children's Choice Waiver services (*Louisiana Register*, Volume 38, Number 7). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the Children's Choice Waiver to reduce the service cap.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

## **Part XXI. Home and Community-Based Services Waivers**

### **Subpart 9. Children's Choice**

#### **Chapter 113. Service**

##### **§11301. Service Cap**

A. - C. ...

D. Effective August 1, 2012, Children's Choice services are capped at \$16,410 per individual per plan of care year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), amended LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#082

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services**

Home and Community-Based Services Waivers  
Community Choices Waiver—Reimbursement Methodology  
(LAC 50:XXI.9501)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.9501 in the Medical

Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopted provisions which established the Community Choices Waiver Program to replace the Elderly and Disabled Adults (EDA) Waiver (*Louisiana Register*, Volume 37, Number 12). The department promulgated an Emergency Rule which amended the December 20, 2011 Rule to clarify provisions governing the delivery of services, to remove the wage pass-through language that was erroneously included in the Rule, and to comply with a court-mandated standard for use in the determination of expedited Community Choices Waiver slots and addition of waiver opportunities (*Louisiana Register*, Volume 38, Number 2).

The department now proposes to clarify and amend the provisions governing the reimbursement methodology for personal assistance services provided in the Community Choices Waiver in order to correct the percentages listed in the Rule so that the provisions will reflect current payment methodology for personal assistance services. This action is being taken to promote the health and welfare of waiver participants. It is anticipated that the implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2012-2013.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for the Community Choices Waiver.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

## **Part XXI. Home and Community-Based Services Waivers**

### **Subpart 7. Community Choices Waiver**

#### **Chapter 95. Reimbursement**

##### **§9501. Reimbursement Methodology**

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the participant. One quarter hour (15 minutes) is the standard unit of service, which covers both the service provision and administrative costs for the following services:

1. - 1.a. ...

b. for dates of service on or after November 1, 2012, personal assistance services furnished to two participants shall be reimbursed at 82.79 percent of the full rate for each participant;

c. for dates of service on or after November 1, 2012, personal assistance services furnished to three participants shall be reimbursed at 72.4 percent of the full rate for each participant;

2. in-home caregiver temporary support service when provided by a personal care services or home health agency;

3. caregiver temporary support services when provided by an adult day health care center; and

4. adult day health care services.

B. - C.1. ...

D. The following services shall be reimbursed at an established monthly rate:

1. - 2. ...

3. monthly monitoring/maintenance for certain assistive devices/technology and medical supplies procedures.

E. - G. ...

H. Reimbursement shall not be made for Community Choices Waiver services provided prior to the department's approval of the POC and release of prior authorization for the services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#010

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Home and Community-Based Services Waivers New Opportunities Waiver Reimbursement Rate Reduction (LAC 50:XXI.14301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the

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

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amended the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 7).

Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7). In order to clarify the rate reduction to NOW services, the department promulgated an Emergency Rule which amended the provisions of the July 1, 2012 Emergency Rule (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the reimbursement methodology for the New Opportunities Waiver.

### Title 50

## PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers

### Subpart 11. New Opportunities Waiver

#### Chapter 143. Reimbursement

#### §14301. Reimbursement Methodology

A. - J.1.e. ...

K. Effective for dates of service on or after July 1, 2012, the reimbursement rates for individualized and family support services—day provided to one person shall be reduced by 1.5 percent of the rates in effect on June 30, 2012.

K.1. - K.1.f. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), amended LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is

responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#083

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers  
Support Coordination Standards for Participation  
(LAC 50:XXI.Chapter 5)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amends LAC 50:XXI.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) provide Medicaid coverage for support coordination services rendered to waiver participants who receive services in home and community-based waiver programs administered by OAAS. The department promulgated an Emergency Rule which adopted provisions to establish Standards for Participation for support coordination agencies that provide support coordination services to participants in OAAS-administered waiver programs (*Louisiana Register*, Volume 37, Number 12). The department promulgated an Emergency Rule which amended the December 20, 2011 Emergency Rule in order to clarify the provisions governing support coordination services rendered to participants of OAAS-administered waiver programs (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 20, 2012 Emergency Rule. This action is being taken to promote the health and welfare of waiver participants and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the Standards for Participation for support coordination agencies that provide services to participants in waiver programs administered by the Office of Aging and Adult Services.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers

#### Subpart 1. General Provisions

#### Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs Subchapter A. General Provisions

##### §501. Introduction

A. The Department of Health and Hospitals (DHH) establishes these minimum Standards for Participation which provides the core requirements for support coordination services provided under home and community-based waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. OAAS, or its designee, is responsible for setting the standards for support coordination, monitoring the provisions of this Rule, and applying administrative sanctions for failures by support coordinators to meet the minimum Standards for Participation in serving participants of OAAS-administered waiver programs.

C. Support coordination are services that will assist participants in gaining access to needed waiver and other State Plan services, as well as needed medical, social, educational, housing, and other services, regardless of the funding source for these services.

D. Upon promulgation of the final Rule governing these Standards for Participation, existing support coordination providers of OAAS-administered waiver programs shall be required to meet the requirements of this Chapter as soon as possible and no later than six months from the promulgation of this Rule.

E. If, in the judgment of OAAS, application of the requirements stated in these standards would be impractical in a specified case; such requirements may be modified by the OAAS Assistant Secretary to allow alternative arrangements that will secure as nearly equivalent provision of services as is practical. In no case will the modification afford less quality or protection, in the judgment of OAAS, than that which would be provided with compliance of the provisions contained in these standards.

1. Requirement modifications may be reviewed by the OAAS Assistant Secretary and either continued or cancelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

##### §503. Certification Requirements

A. All agencies that provide support coordination to OAAS-administered home and community-based waivers must be certified by the Department of Health and Hospitals. It shall be unlawful to operate as a Support Coordination

agency for OAAS-administered waivers without being certified by the department.

B. In order to provide support coordination services for OAAS-administered home and community-based waiver programs, the agency must:

1. be certified and meet the Standards for Participation requirements as set forth in this Rule;
2. sign a performance agreement with OAAS;
3. assure staff attends all training mandated by OAAS;
4. enroll as a Medicaid support coordination agency in all regions in which it intends to provide services for OAAS-administered home and community-based services; and
5. comply with all DHH and OAAS policies and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

### **§505. Certification Issuance**

A. A certification shall:

1. be issued only to the entity named in the certification application;
2. be valid only for the support coordination agency to which it is issued after all applicable requirements are met;
3. enable the support coordination agency to provide support coordination for OAAS-administered home and community-based waivers within the specified DHH region; and
4. be valid for the time specified on the certification, unless revoked, suspended, modified or terminated prior to that date.

B. Provisional certification may be granted when the agency has deficiencies which are not a danger to the health and welfare of clients. Provisional licenses shall be issued for a period not to exceed 90 days.

C. Initial certification shall be issued by OAAS based on the survey report of DHH, or its designee.

D. Unless granted a waiver by OAAS, a support coordination agency shall provide such services only to waiver participants residing in the agency's designated DHH region.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

### **§507. Certification Refusal or Revocation and Fair Hearing**

A. A certification may be revoked or refused if applicable certification requirements, as determined by OAAS or its designee, have not been met. Certification decisions are subject to appeal and fair hearing, in accordance with R.S. 46:107(A)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

### **§509. Certification Inspections**

A. Certification inspections are usually annual but may be conducted at any time. No advance notice is given.

Surveyors must be given access to all of the areas in the facility and all relevant files and records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

## **Subchapter B. Administration and Organization**

### **§513. Governing Body**

A. A support coordination agency shall have an identifiable governing body with responsibility for and authority over the policies and activities of the agency.

1. An agency shall have documents identifying all members of the governing body, their addresses, their terms of membership, officers of the governing body and terms of office of any officers.

2. The governing body shall be comprised of three or more persons and shall hold formal meetings at least twice a year.

3. There shall be written minutes of all formal meetings of the governing body and by-laws specifying frequency of meetings and quorum requirements.

B. The governing body of a support coordination agency shall:

1. ensure the agency's continual compliance and conformity with all relevant federal, state, local and municipal laws and regulations;

2. ensure that the agency is adequately funded and fiscally sound;

3. review and approve the agency's annual budget;

4. designate a person to act as administrator and delegate sufficient authority to this person to manage the agency;

5. formulate and annually review, in consultation with the administrator, written policies concerning the agency's philosophy, goals, current services, personnel practices, job descriptions and fiscal management;

6. annually evaluate the administrator's performance;

7. have the authority to dismiss the administrator;

8. meet with designated representatives of the department whenever required to do so;

9. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the agency;

10. ensure that a continuous quality improvement (CQI) process is in effect; and

11. ensure that services are provided in a culturally sensitive manner as evidenced by staff trained in cultural awareness and related policies and procedures.

C. A support coordination agency shall maintain an administrative file that includes:

1. documents identifying the governing body;

2. a list of members and officers of the governing body, along with their addresses and terms of membership;

3. minutes of formal meetings and by-laws of the governing body, if applicable;

4. documentation of the agency's authority to operate under state law;

5. an organizational chart of the agency which clearly delineates the line of authority;

6. all leases, contracts and purchases-of-service agreements to which the agency is a party;

7. insurance policies;
8. annual budgets and, if performed, audit reports;
9. the agency's policies and procedures; and
10. documentation of any corrective action taken as a result of external or internal reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§515. Business Location and Operations**

A. Each support coordination agency shall have a business location which shall not be in an occupied personal residence. The business location shall be in the DHH region for which the certification is issued and shall be where the agency:

1. maintains staff to perform administrative functions;
2. maintains the agency's personnel records;
3. maintains the agency's participant service records; and
4. holds itself out to the public as being a location for receipt of participant referrals.

B. The business location shall have:

1. a published nationwide toll-free telephone number answered by a person which is available and accessible 24 hours a day, seven days a week, including holidays;
2. a published local business number answered by agency staff during the posted business hours;
3. a business fax number that is operational 24 hours a day, seven days a week, including holidays;
4. internet access and a working e-mail address which shall be provided to OAAS;
5. hours of operation, which must be at least 30 hours a week, Monday through Friday, posted in a location outside of the business that is easily visible to persons receiving services and the general public; and
6. at least one staff person on the premises during posted hours of operation.

C. Records and other confidential information shall not be stored in areas deemed to be common areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§517. Financial Management**

A. The agency must establish a system of financial management and staffing to assure maintenance of complete and accurate accounts, books and records in keeping with generally accepted accounting principles.

B. The agency must not permit public funds to be paid or committed to be paid, to any person who is a member of the governing board or administrative personnel who may have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the agency. The agency shall have a written disclosure of any financial transaction with the agency in which a member of the governing board, administrative personnel, or his/her immediate family is involved.

C. The agency must obtain any necessary performance bonds and/or lines of credit as required by the department.

D. The agency must have adequate and appropriate general liability insurance for the protection of its participants, staff, facilities, and the general public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§519. Policy and Procedures**

A. The support coordination agency shall have written policies and procedures approved by the owner or governing body which must be implemented and followed that address at a minimum the following:

1. confidentiality and confidentiality agreements;
2. security of files;
3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation and kickbacks;
4. personnel;
5. participant rights;
6. grievance procedures;
7. emergency preparedness;
8. abuse and neglect reporting;
9. critical incident reporting;
10. worker safety;
11. documentation; and
12. admission and discharge procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§521. Organizational Communication**

A. The agency must establish procedures to assure adequate communication among staff to provide continuity of services to the participant and to facilitate feedback from staff, participants, families, and when appropriate, the community at large.

B. The agency must have brochures and make them available to OAAS or its designee. The brochures must include the following information:

1. that each participant has the freedom to choose their providers and that their choice of provider does not affect their eligibility for waiver, state plan, or support coordination services;
2. that a participant receiving support coordination through OAAS may contact the OAAS Help Line for information, assistance with, or questions about OAAS programs;
3. the OAAS Help Line number along with the appropriate OAAS regional office telephone numbers;
4. information, including the Health Standards Section Complaint Line, on where to make complaints against support coordinators, support coordination agencies, and providers; and
5. a description of the agency, services provided, current address, and the agency's local and nationwide toll-free number.

C. The brochure may also include the agency's experience delivering support coordination services.

D. The support coordination agency shall be responsible for:

1. obtaining written approval of the brochure from OAAS prior to distributing to applicants/participants of OAAS-administered waiver programs;

2. providing OAAS staff or its designee with adequate supplies of the OAAS-approved brochure; and

3. timely completing revisions to the brochure, as requested by OAAS, to accurately reflect all program changes as well as other revisions OAAS deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

### **Subchapter C. Provider Responsibilities**

#### **§525. General Provisions**

A. Any entity wishing to provide support coordination services for any OAAS-administered home and community-based waiver program shall meet all of the Standards for Participation contained in this Rule, unless otherwise specifically noted within these provisions.

B. The support coordination agency shall also abide by and adhere to any state law, Rule, policy, procedure, performance agreement, manual or memorandum pertaining to the provision of support coordination services for OAAS-administered home and community-based waiver programs.

C. Failure to comply with the requirements of these Standards for Participation may result in sanctions including, but not limited to:

1. recoupment of funds;

2. cessation of linkages;

3. citation of deficient practice and plan of correction submission;

4. removal from the Freedom of Choice list; or

5. decertification as a support coordination agency for OAAS-administered home and community-based waiver services.

D. A support coordination agency shall make any required information or records, and any information reasonably related to assessment of compliance with these requirements, available to the department.

E. Designated representatives of the department, in the performance of their mandated duties, shall be allowed by a support coordination agency to:

1. inspect all aspects of a support coordination agency operations which directly or indirectly impact participants; and

2. conduct interviews with any staff member or participant of the agency.

F. A support coordination agency shall, upon request by the department, make available the legal ownership documents of the agency.

G. Support coordination agencies must comply with all of the department's systems/software requirements.

H. Support coordination agencies shall, at a minimum:

1. maintain and/or have access to a comprehensive resource directory containing all of the current inventory of existing formal and informal resources that identifies services within the geographic area which shall address the unique needs of participants of OAAS-administered home and community-based waiver programs;

2. establish linkages with those resources;

3. demonstrate knowledge of the eligibility requirements and application procedures for federal, state and local government assistance programs, which are applicable to participants of OAAS-administered home and community-based waiver programs;

4. employ a sufficient number of support coordinators and supervisory staff to comply with OAAS staffing, continuous quality improvement (CQI), timeline, workload, and performance requirements;

5. demonstrate administrative capacity and the financial resources to provide all core elements of support coordination services and ensure effective service delivery in accordance with programmatic requirements;

6. assure that all agency staff is employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations (subcontracting of individual support coordinators and/or supervisors is prohibited);

7. have appropriate agency staff attend trainings, as mandated by DHH and OAAS;

8. have a documented CQI process;

9. document and maintain records in accordance with federal and state regulations governing confidentiality and program requirements;

10. assure each participant has freedom of choice in the selection of available qualified providers and the right to change providers in accordance with program guidelines; and

11. assure that the agency and support coordinators will not provide both support coordination and Medicaid-reimbursed direct services to the same participant(s).

I. Abuse and Neglect. Support coordination agencies shall establish policies and procedures relative to the reporting of abuse and neglect of participants, pursuant to the provisions of R.S. 15:1504-1505, R.S. 40:2009.20 and any subsequently enacted laws. Providers shall ensure that staff complies with these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§527. Support Coordination Services**

A. Support coordination is services that will assist participants in gaining access to needed waiver and other State Plan services, as well as needed medical, social, educational, housing and other services, regardless of the funding source for these services. Support coordination agencies shall be required to perform the following core elements of support coordination services:

1. intake;

2. assessment;

3. plan of care development and revision;

4. linkage to direct services and other resources;

5. coordination of multiple services among multiple providers

6. monitoring/follow-up;

7. reassessment;

8. evaluation and re-evaluation of level of care and need for waiver services;

9. ongoing assessment and mitigation of health, behavioral and personal safety risk;

10. responding to participant crisis;



11. critical incident management; and
12. transition/discharge and closure.

B. The support coordination agency shall also be responsible for assessing, addressing and documenting delivery of services, including remediation of difficulties encountered by participants in receiving direct services.

C. A support coordination agency shall not refuse to serve, or refuse to continue to serve, any individual who chooses/has chosen its agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. OAAS must be immediately notified of the circumstances surrounding a refusal by a support coordination agency to provide/continue to provide services.

2. This requirement can only be waived by OAAS.

D. Support coordination agencies must establish and maintain effective communication and good working relationships with providers of services to participants served by the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§529. Transfers and Discharges**

A. All participants of OAAS-administered waiver programs must receive support coordination services. However, a participant has the right to choose a support coordination agency. This right includes the right to be discharged from his/her current support coordination agency and be transferred to another support coordination agency.

B. Upon notice by the participant or his/her authorized representative that the participant has selected another support coordination agency or the participant has decided to discontinue participation in the waiver program, the agency shall have the responsibility of planning for the participant's transfer or discharge.

C. The support coordination agency shall also have the responsibility of planning for a participant's transfer when the support coordination agency ceases to operate or when the participant moves from the geographical region serviced by the support coordination agency.

D. The transfer or discharge responsibilities of the support coordinator shall include:

1. holding a transfer or discharge planning conference with the participant, his/her family, providers, legal representative and advocate, if such are known, in order to facilitate a smooth transfer or discharge, unless the participant declines such a meeting;

2. providing a current plan of care to the receiving support coordination agency (if applicable);and

3. preparing a written discharge summary. The discharge summary shall include, at a minimum, a summary on the health, behavioral, and social issues of the client and shall be provided to the receiving support coordination agency (if applicable).

E. The written discharge summary shall be completed within five working days of any of the following:

1. notice by the participant or authorized representative that the participant has selected another support coordination agency;

2. notice by the participant or authorized representative that the participant has decided to discontinue participation in the waiver program;

3. notice by the participant or authorized representative that the participant will be transferring to a DHH geographic region not serviced by his/her current support coordination agency; or

4. notice from OAAS or its designee that "good cause" has been established by the support coordination agency to discontinue services.

F. The support coordination agency shall not coerce the participant to stay with the support coordination agency or interfere in any way with the participant's decision to transfer. Failure to cooperate with the participant's decision to transfer to another support coordination agency will result in adverse action by department.

G. If a support coordination agency closes, the agency must give OAAS at least 60 days written notice of its intent to close. Where transfer of participants is necessary due to the support coordination agency closing, the written discharge summary for all participants served by the agency shall be completed within 10 working days of the notice to OAAS of the agency's intent to close.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§531. Staffing Requirements**

A. Agencies must maintain sufficient staff to comply with OAAS staffing, timeline, workload, and performance requirements. This includes, but is not limited to, including sufficient support coordinators and support coordinator supervisors that have passed all of the OAAS training and certification requirements. In no case may an agency have less than one certified support coordination supervisor and less than one certified support coordinator. Agencies may employ staff who are not certified to perform services or requirements other than assessment and care planning.

B. Agencies must maintain sufficient supervisory staff to comply with OAAS supervision and CQI requirements. Support coordination supervisors must be continuously available to support coordinators by telephone.

1. Each Support Coordination agency must have and implement a written plan for supervision of all support coordination staff.

2. Each supervisor must maintain a file on each support coordinator supervised and hold supervisory sessions and evaluate each support coordinator at least annually.

C. Agencies shall employ or contract a licensed registered nurse to serve as a consultant. The nurse consultant shall be available a minimum of 16 hours per month.

D. Agencies shall ensure that staff is available at times which are convenient and responsive to the needs of participants and their families.

E. Support coordinators may only carry caseloads that are composed exclusively of OAAS participants. Support coordination supervisors may only supervise support coordinators that carry caseloads that are composed exclusively of OAAS participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

**§533. Personnel Standards**

A. Support coordinators must meet one of the following requirements:

1. a bachelor's or masters degree in social work from a program accredited by the Council on Social Work Education;
2. a bachelor's or masters degree in nursing (RN) currently licensed in Louisiana (one year of paid experience as a licensed RN will substitute for the degree);
3. a bachelor's or masters degree in a human service related field which includes:
  - a. psychology;
  - b. education;
  - c. counseling;
  - d. social services;
  - e. sociology;
  - f. philosophy;
  - g. family and participant sciences;
  - h. criminal justice;
  - i. rehabilitation services;
  - j. substance abuse treatment;
  - k. gerontology; and
  - l. vocational rehabilitation; or
4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields in §533.A.3.a.-l. of this section.

B. Support coordination supervisors must meet the following requirements:

1. a bachelor's or masters degree in social work from a program accredited by the Council on Social Work Education and two years of paid post degree experience in providing support coordination services;
2. a bachelor's or masters degree in nursing (RN)(one year of experience as a licensed RN will substitute for the degree) and two years of paid post degree experience in providing support coordination services;
3. a bachelor's or masters degree in a human service related field which includes: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services; or
4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the following fields: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehab services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services.

C. Documentation showing that personnel standards have been met must be placed in the individual's personnel file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

**§535. Employment and Recruitment Practices**

A. A support coordination agency shall have written personnel policies, which must be implemented and followed, that include:

1. a plan for recruitment, screening, orientation, ongoing training, development, supervision and performance evaluation of staff members;
2. a policy to prevent discrimination and comply with all state and federal employment practices and laws;
3. a policy to recruit, wherever possible, qualified persons of both sexes representative of cultural and racial groups served by the agency, including the hiring of qualified persons with disabilities;
4. written job descriptions for each staff position, including volunteers;
5. an employee grievance procedure that allows employees to make complaints without fear of retaliation; and
6. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment, whether that abuse or mistreatment is done by another staff member, a family member, a participant or any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

**§537. Orientation and Training**

A. Support coordinators must receive necessary orientation and periodic training on the provision of support coordination services arranged or provided through their agency at the agency's expense.

B. Orientation of at least 16 hours shall be provided by the agency to all staff, volunteers and students within five working days of employment which shall include, at a minimum:

1. core OAAS support coordination requirements;
2. policies and procedures of the agency;
3. confidentiality;
4. documentation of case records;
5. participant rights protection and reporting of violations;
6. abuse and neglect policies and procedures;
7. professional ethics;
8. emergency and safety procedures;
9. infection control, including universal precautions; and
10. critical incident reporting.

C. In addition to the minimum 16 hours of orientation, all newly hired support coordinators must receive a minimum of 16 hours of training during the first 90 calendar days of employment which is related to the specific population served and knowledge, skills and techniques necessary to provide support coordination to the specific population. This training must be provided by an individual or organization with demonstrated knowledge of the training topic and the target population. Such resources may be identified and/or mandated by OAAS. These 16 hours of training must include, at a minimum:

1. fundamentals of support coordination;
2. interviewing techniques;
3. data management and record keeping;
4. communication skills;
5. risk assessment and mitigation;
6. person centered planning;
7. emergency preparedness planning;
8. resource identification;
9. back-up staff planning;
10. critical incident reporting; and
11. continuous quality improvement.

D. In addition to the agency-provided training requirements set forth above, support coordinators and support coordination supervisors must successfully complete all OAAS Assessment and Care Planning Training.

E. No support coordinator shall be given sole responsibility for a participant until all of the required training is satisfactorily completed and the employee possesses adequate abilities, skills, and knowledge of support coordination.

F. All support coordinators and support coordination supervisors must complete a minimum of 40 hours of training per year. For new employees, the orientation cannot be counted toward the 40 hour minimum annual training requirement. The 16 hours of initial training for support coordinators required in the first 90 days of employment may be counted toward the 40 hour minimum annual training requirement. Routine supervision shall not be considered training.

G. A newly hired or promoted support coordination supervisor must, in addition to satisfactorily completing the orientation and training set forth above, also complete a minimum of 24 hours on all of the following topics prior to assuming support coordination supervisory responsibilities:

1. professional identification/ethics;
2. process for interviewing, screening and hiring staff;
3. orientation/in-service training of staff;
4. evaluating staff;
5. approaches to supervision;
6. managing workload and performance requirements;
7. conflict resolution;
8. documentation;
9. population specific service needs and resources;
10. participant evacuation tracking; and
11. the support coordination supervisor's role in CQI systems.

H. Documentation of all orientation and training must be placed in the individual's personnel file. Documentation must include an agenda and the name, title, agency affiliation of the training presenter(s) and other sources of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

### **§539. Participant Rights**

A. Unless adjudicated by a court of competent jurisdiction, participants served by a support coordination agency shall have the same rights, benefits, and privileges guaranteed by the constitution and the laws of the United States and Louisiana.

B. There shall be written policies and procedures that protect the participant's welfare, including the means by which the protections will be implemented and enforced.

C. Each Support Coordination agency's written policies and procedures, at a minimum, shall ensure the participant's right to:

1. human dignity;
2. impartial access to treatment regardless of race, religion, sex, ethnicity, age or disability;
3. cultural access as evidenced by:
  - a. interpretive services;
  - b. translated materials;
  - c. the use of native language when possible; and
  - d. staff trained in cultural awareness;
4. have sign language interpretation;
5. utilize service animals and/or mechanical aids and devices that assist those persons with special needs to achieve maximum service benefits;
6. privacy;
7. confidentiality;
8. access his/her records upon the participant's written consent for release of information;
9. a complete explanation of the nature of services and procedures to be received, including:
  - a. risks;
  - b. benefits; and
  - c. available alternative services;
10. actively participate in services, including:
  - a. assessment/reassessment;
  - b. plan of care development/revision; and
  - c. discharge;

11. refuse specific services or participate in any activity that is against their will and for which they have not given consent;

12. obtain copies of the support coordination agency's complaint or grievance procedures;

13. file a complaint or grievance without retribution, retaliation or discharge;

14. be informed of the financial aspect of services;

15. be informed of any third-party consent for treatment of services, if appropriate;

16. personally manage financial affairs, unless legally determined otherwise;

17. give informed written consent prior to being involved in research projects;

18. refuse to participate in any research project without compromising access to services;

19. be free from mental, emotional and physical abuse and neglect;

20. be free from chemical or physical restraints;

21. receive services that are delivered in a professional manner and are respectful of the participant's wishes concerning their home environment;

22. receive services in the least intrusive manner appropriate to their needs;

23. contact any advocacy resources as needed, especially during grievance procedures; and

24. discontinue services with one provider and freely choose the services of another provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§541. Grievances**

A. The support coordination agency shall establish and follow a written grievance procedure to be used to process complaints by participants, their family member(s), or a legal representative that is designed to allow participants to make complaints without fear of retaliation. The written grievance procedure shall be provided to the participant.

B. Grievances must be periodically reviewed by the governing board in an effort to promote improvement in these areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§543. Critical Incident Reporting**

A. Support coordination agencies shall report critical incidents according to established OAAS policy including timely entries into the designated DHH Critical Incident Database.

B. Support coordination agencies shall perform the following critical incident management actions:

1. coordinate immediate action to assure the participant is protected from further harm and respond to any emergency needs of the participant;

2. continue to follow up with the direct services provider agency, the participant, and others, as necessary, and update the Critical Incident Database follow-up notes until the incident is closed by OAAS;

3. convene any planning meetings that may be needed to resolve the critical incident or develop strategies to prevent or mitigate the likelihood of similar critical incidents from occurring in the future and revise the plan of care accordingly;

4. send the participant and direct services provider a copy of the Incident Participant Summary within 15 days after final supervisory review and closure by the regional office; and

5. during the plan of care review process, perform an annual Critical Incident Analysis and Risk Assessment and document within the plan of care strategies to prevent or mitigate the likelihood of similar future critical incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§545. Participant Records**

A. Participant records shall be maintained in the support coordinator's office. The support coordinator shall have a current written record for each participant which shall include:

1. identifying data including:
  - a. name;
  - b. date of birth;
  - c. address;
  - d. telephone number;
  - e. social security number; and
  - f. legal status;

2. a copy of the participant's plan of care, as well as any revisions or updates to the plan of care;

3. required assessment(s) and any additional assessments that the agency may have performed, received, or are otherwise privy to;

4. written monthly, interim, and quarterly documentation according to current policy and reports of the services delivered for each participant for each visit and contact;

5. current emergency plan completed according to OAAS guidelines; and

6. current back-up staffing plan completed according to OAAS guidelines.

B. Support Coordination agencies shall maintain participant records for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§547. Emergency Preparedness**

A. Support coordination agencies shall ensure that each participant has an individual plan for dealing with emergencies and disasters and shall assist participants in identifying the specific resources available through family, friends, the neighborhood, and the community. The support coordinator shall assess monthly whether the emergency plan information is current and effective and shall make changes accordingly.

B. A disaster or emergency may be a local, community-wide, regional, or statewide event. Disasters or emergencies may include, but are not limited to:

1. tornados;
2. fires;
3. floods;
4. hurricanes;
5. power outages;
6. chemical spills;
7. biohazards;
8. train wrecks; or
9. declared health crisis.

C. Support Coordination agencies shall update participant evacuation tracking information and submit such to OAAS in the required format and timelines as described in the current OAAS policy for evacuation preparedness.

D. Continuity of Operations. The support coordination agency shall have an emergency preparedness plan to maintain continuity of the agency's operations in preparation for, during, and after an emergency or disaster. The plan shall be designed to manage the consequences of all hazards, declared disasters or other emergencies that disrupt the agency's ability to render services.

E. The support coordination agency shall follow and execute its emergency preparedness plan in the event of the occurrence of a declared disaster or other emergency.

F. The support coordinator shall cooperate with the department and with the local or parish Office of Homeland Security and Emergency Preparedness in the event of an emergency or disaster and shall provide information as requested.

G. The support coordinator shall monitor weather warnings and watches as well as evacuation orders from local and state emergency preparedness officials.

H. All agency employees shall be trained in emergency or disaster preparedness. Training shall include orientation, ongoing training, and participation in planned drills for all personnel.

I. Upon request by the department, the support coordination agency shall submit a copy of its emergency preparedness plan and a written summary attesting to how the plan was followed and executed. The summary shall contain, at a minimum:

1. pertinent plan provisions and how the plan was followed and executed;
2. plan provisions that were not followed;
3. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;
4. contingency arrangements made for those plan provisions not followed; and
5. a list of all injuries and deaths of participants that occurred during execution of the plan, evacuation or temporary relocation including the date, time, causes, and circumstances of the injuries and deaths

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§549. Continuous Quality Improvement Plan**

A. Support coordination agencies shall have a Continuous Quality Improvement Plan which governs the agency's internal quality management activities.

B. The CQI plan shall demonstrate a process of continuous cyclical improvement and should utilize the Centers for Medicare and Medicaid Services' "DDRI" operative framework for quality reporting of the Medicaid home and community-based services (HCBS) waivers. "DDRI" is comprised of the following four components which are a common vocabulary linking CMS' expectations and state quality efforts:

1. design;
2. discovery;
3. remediation; and
4. improvement.

C. The CQI plan shall follow an evidence-based approach to quality monitoring with an emphasis on the assurances which the state must make to CMS. The assurances falling under the responsibility of support coordination are those of participant health and welfare, level of care determination, plan of care development, and qualified agency staff.

D. CQI plans shall include, at a minimum:

1. internal quality performance measures and valid sampling techniques to measure all of the OAAS support coordination monitoring review elements;
2. strategies and actions which remediate findings of less than 100 percent compliance and demonstrate ongoing improvement in response to internal and OAAS quality monitoring findings;
3. a process to review, resolve and redesign in order to address all systemic issues identified;

4. a process for obtaining input annually from the participant/guardian/authorized representatives and possibly family members to include, but not be limited to:

- a. satisfaction surveys done by mail or phone; or
- b. other processes for receiving input regarding the quality of services received;

5. a process for identifying on a quarterly basis the risk factors that affects or may affect the health or welfare of individuals being supported which includes, but is not limited to:

- a. review and resolution of complaints;
- b. review and resolution of incidents; and
- c. the respective Protective Services' agency's investigations of abuse, neglect and exploitation;

6. a process to review and resolve individual participant issues that are identified; and

7. a process to actively engage all agency staff in the CQI Plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

#### **§551. Support Coordination Monitoring**

A. Support coordination agencies shall offer full cooperation with the OAAS during the monitoring process. Responsibilities of the Support Coordination agency in the monitoring process include, but are not limited to:

1. providing policy and procedure manuals, personnel records, case records, and other documentation;
2. providing space for documentation review and support coordinator interviews;
3. coordinating agency support coordinator interviews; and
4. assisting with scheduling participant interviews.

B. There shall be an annual OAAS support coordination monitoring of each support coordination agency and the results of this monitoring will be reported to the support coordination agency along with required follow-up actions and timelines. All individual findings of noncompliance must be addressed, resolved and reported to OAAS within specified timelines. All recurrent problems shall be addressed through systemic changes resulting in improvement. Agencies which do not perform all of the required follow-up actions according to the timelines will be subject to sanctions of increasing severity as described in §525.C.1-5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#084

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Distinct Part Psychiatric Units  
Reimbursement Methodology  
(LAC 50:V.915 and 959)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.915 and §959 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with Act 18 of the 2007 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing inpatient psychiatric services to allow acute care hospitals that enter into an agreement with the Office of Mental Health [currently the Office of Behavioral Health] to expand their distinct part psychiatric unit beds and receive Medicaid reimbursement for the patients who occupy the additional beds (*Louisiana Register*, Volume 34, Number 9).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient psychiatric hospital services rendered by distinct part psychiatric units of acute care hospitals that enter into a cooperative endeavor agreement (CEA) with the Department of Health and Hospitals, Office of Behavioral Health (*Louisiana Register*, Volume 38, Number 2). The department promulgated an Emergency Rule which amended the February 10, 2012 Emergency Rule to clarify the provisions governing qualifying hospitals (*Louisiana Register*, Volume 38, Number 5). The department promulgated an Emergency Rule which amended the May 20, 2012 Emergency Rule to revise the formatting of these provisions to ensure that they are promulgated in a clear and concise format (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 20, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient psychiatric hospital services rendered by distinct part psychiatric units.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Medical Assistance Program—Hospital Services

##### Subpart 1. Inpatient Hospitals

#### Chapter 9. Non-Rural, Non-State Hospitals

##### Subchapter A. General Provisions

#### §915. Distinct Part Psychiatric Units

A. ...

1. - 1.b. Repealed.

B. Effective for dates of service on or after February 10, 2012, a Medicaid enrolled non-state acute care hospital that enters into a Cooperative Endeavor Agreement (CEA) with the Department of Health and Hospitals, Office of Behavioral Health to provide inpatient psychiatric hospital services to Medicaid and uninsured patients, and which also assumes the operation and management of a state-owned and formerly state-operated hospital distinct part psychiatric unit, may make a one-time increase in its number of beds with a one-time opening of a new distinct part psychiatric unit.

1. This expansion or opening of a new unit will not be recognized, for Medicare purposes, until the beginning of the next cost reporting period. At the next cost reporting period, the hospital must meet the Medicare Prospective Payment System (PPS) exemption criteria and enroll as a Medicare PPS excluded distinct part psychiatric unit.

2. At the time of any expansion or opening of a new distinct part psychiatric unit, the provider must provide a written attestation that they meet all Medicare PPS rate exemption criteria.

3. Admissions to this expanded or new distinct part psychiatric unit may not be based on payer source.

C. Changes in the Status of Hospital Units. The status of each hospital unit is determined at the beginning of each cost reporting period and is effective for the entire cost reporting period. Any changes in the status of a unit are made only at the start of a cost reporting period.

1. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 20:49 (January 1994), amended LR 34:1913 (September 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

##### Subchapter B. Reimbursement Methodology

#### §959. Inpatient Psychiatric Hospital Services

A. - K.2.b. ...

L. Effective for dates of service on or after February 10, 2012, a Medicaid enrolled non-state acute care hospital that enters into a Cooperative Endeavor Agreement (CEA) with the Department of Health and Hospitals, Office of Behavioral Health to provide inpatient psychiatric hospital services to Medicaid and uninsured patients, and which also assumes the operation and management of formerly state-owned and operated psychiatric hospitals/visits, shall be paid a per diem rate of \$581.11 per day.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), repromulgated LR 35:2183 (October 2009), amended LR 36:1554 (July 2010), LR 36:2562 (November, 2010), LR 37:2162 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#085

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Neonatal and Pediatric Intensive Care Units and  
Outlier Payment Methodologies  
(LAC 50:V.953-954 and 967)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.953-954 and §967 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state hospitals to align the prospective per diem rates more closely with reported costs, including the neonatal intensive care unit (NICU) and pediatric intensive care unit (PICU) rates (*Louisiana Register*, Volume 35, Number 9).

The Department of Health and Hospitals, Bureau of Health Services Financing repromulgated all of the provisions governing outlier payments for inpatient hospital services in a codified format for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 36, Number 3).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services to adjust the reimbursement rates paid for NICU and PICU services rendered by non-rural, non-state hospitals and to revise the outlier payment methodology (*Louisiana Register*, Volume 37, Number 3). The department promulgated an Emergency Rule which amended the March 1, 2011 Emergency Rule governing the reimbursement methodology for inpatient

hospital services to revise the formatting of these provisions in order to ensure that the provisions are promulgated in a clear and concise manner (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 20, 2012 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining access to neonatal and pediatric intensive care unit services and encouraging the continued participation of hospitals in the Medicaid Program.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospitals.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Chapter 9. Non-Rural, Non-State Hospitals

#### Subchapter B. Reimbursement Methodology

#### §953. Acute Care Hospitals

A. - G. ...

H. Neonatal Intensive Care Units (NICU)

1. - 2. ...

3. Effective for dates of service on or after March 1, 2011, the per diem rates for Medicaid inpatient services rendered by NICU Level III and NICU Level III regional units, recognized by the department as such on December 31, 2010, shall be adjusted to include an increase that varies based on the following five tiers:

a. Tier 1. If the qualifying hospital's average percentage exceeds 10 percent, the additional per diem increase shall be \$601.98;

b. Tier 2. If the qualifying hospital's average percentage is less than or equal to 10 percent, but exceeds 5 percent, the additional per diem increase shall be \$624.66;

c. Tier 3. If the qualifying hospital's average percentage is less than or equal to 5 percent, but exceeds 1.5 percent, the additional per diem increase shall be \$419.83;

d. Tier 4. If the qualifying hospital's average percentage is less than or equal to 1.5 percent, but greater than 0 percent, and the hospital received greater than .25 percent of the outlier payments for dates of service in state fiscal year (SFY) 2008 and SFY 2009 and calendar year 2010, the additional per diem increase shall be \$263.33; or

e. Tier 5. If the qualifying hospital received less than .25 percent, but greater than 0 percent of the outlier payments for dates of service in SFY 2008 and SFY 2009 and calendar year 2010, the additional per diem increase shall be \$35.

4. A qualifying hospital's placement into a tier will be determined by the average of its percentage of paid NICU Medicaid days for SFY 2010 dates of service to the total of all qualifying hospitals' paid NICU days for the same time period, and its percentage of NICU patient outlier payments made as of December 31, 2010 for dates of service in SFY 2008 and SFY 2009 and calendar year 2010 to the total NICU outlier payments made to all qualifying hospitals for these same time periods.

a. This average shall be weighted to provide that each hospital's percentage of paid NICU days will comprise 25 percent of this average, while the percentage of outlier payments will comprise 75 percent. In order to qualify for

Tiers 1 through 4, a hospital must have received at least .25 percent of outlier payments in SFY 2008, SFY 2009, and calendar year 2010.

b. SFY 2010 is used as the base period to determine the allocation of NICU and PICU outlier payments for hospitals having both NICU and PICU units.

c. If the daily paid outlier amount per paid NICU day for any hospital is greater than the mean plus one standard deviation of the same calculation for all NICU Level III and NICU Level III regional hospitals, then the basis for calculating the hospital's percentage of NICU patient outlier payments shall be to substitute a payment amount equal to the highest daily paid outlier amount of any hospital not exceeding this limit, multiplied by the exceeding hospital's paid NICU days for SFY 2010, to take the place of the hospital's actual paid outlier amount.

NOTE: Children's specialty hospitals are not eligible for the per diem adjustments established in §953.H.3.

5. The department shall evaluate all rates and tiers two years after implementation.

I. Pediatric Intensive Care Unit (PICU)

1. – 2. ...

3. Effective for dates of service on or after March 1, 2011, the per diem rates for Medicaid inpatient services rendered by PICU Level I and PICU Level II units, recognized by the department as such on December 31, 2010, shall be adjusted to include an increase that varies based on the following four tiers:

a. Tier 1. If the qualifying hospital's average percentage exceeds 20 percent, the additional per diem increase shall be \$418.34;

b. Tier 2. If the qualifying hospital's average percentage is less than or equal to 20 percent, but exceeds 10 percent, the additional per diem increase shall be \$278.63;

c. Tier 3. If the qualifying hospital's average percentage is less than or equal to 10 percent, but exceeds 0 percent and the hospital received greater than .25 percent of the outlier payments for dates of service in SFY 2008 and SFY 2009 and calendar year 2010, the additional per diem increase shall be \$178.27; or

d. Tier 4. If the qualifying hospital received less than .25 percent, but greater than 0 percent of the outlier payments for dates of service in SFY 2008, SFY 2009 and calendar year 2010, the additional per diem increase shall be \$35.

4. A qualifying hospital's placement into a tier will be determined by the average of its percentage of paid PICU Medicaid days for SFY 2010 dates of service to the total of all qualifying hospitals' paid PICU days for the same time period, and its percentage of PICU patient outlier payments made as of December 31, 2010 for dates of service in SFY 2008 and SFY 2009 and calendar year 2010 to the total PICU outlier payments made to all qualifying hospitals for these same time periods.

a. This average shall be weighted to provide that each hospital's percentage of paid PICU days will comprise 25 percent of this average, while the percentage of outlier payments will comprise 75 percent. In order to qualify for Tiers 1 through 3, a hospital must have received at least .25 percent of outlier payments in SFY 2008, SFY 2009, and calendar year 2010.

b. SFY 2010 is used as the base period to determine the allocation of NICU and PICU outlier payments for hospitals having both NICU and PICU units.

c. If the daily paid outlier amount per paid PICU day for any hospital is greater than the mean plus one standard deviation of the same calculation for all PICU Level I and PICU Level II hospitals, then the basis for calculating the hospital's percentage of PICU patient outlier payments shall be to substitute a payment amount equal to the highest daily paid outlier amount of any hospital not exceeding this limit, multiplied by the exceeding hospital's paid PICU days for SFY 2010, to take the place of the hospital's actual paid outlier amount.

NOTE: Children's specialty hospitals are not eligible for the per diem adjustments established in §953.I.3.

5. The department shall evaluate all rates and tiers two years after implementation.

J. – O.I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended LR 34:877 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), amended LR 36:1552 (July 2010), LR 36:2561 (November 2010), LR 38:

**§954. Outlier Payments**

A. - B. ...

C. To qualify as a payable outlier claim, a deadline of not later than six months subsequent to the date that the final claim is paid shall be established for receipt of the written request for outlier payments.

1. Effective March 1, 2011, in addition to the 6 month timely filing deadline, outlier claims for dates of service on or before February 28, 2011 must be received by the department on or before May 31, 2011 in order to qualify for payment. Claims for this time period received by the department after May 31, 2011 shall not qualify for payment.

D. Effective for dates of service on or after March 1, 2011, a catastrophic outlier pool shall be established with annual payments limited to \$10,000,000. In order to qualify for payments from this pool, the following conditions must be met:

1. the claims must be for cases for:

a. children less than six years of age who received inpatient services in a disproportionate share hospital setting; or

b. infants less than one year of age who receive inpatient services in any acute care hospital setting; and

2. the costs of the case must exceed \$150,000.

a. The hospital specific cost to charge ratio utilized to calculate the claim costs shall be calculated using the Medicaid NICU or PICU costs and charge data from the most current cost report.

E. The initial outlier pool will cover eligible claims with admission dates from the period beginning March 1, 2011 through June 30, 2011.

1. Payment for the initial partial year pool will be \$3,333,333 and shall be the costs of each hospital's qualifying claims net of claim payments divided by the sum



of all qualifying claims costs in excess of payments, multiplied by \$3,333,333.

2. Cases with admission dates on or before February 28, 2011 that continue beyond the March 1, 2011 effective date, and that exceed the \$150,000 cost threshold, shall be eligible for payment in the initial catastrophic outlier pool.

3. Only the costs of the cases applicable to dates of service on or after March 1, 2011 shall be allowable for determination of payment from the pool.

F. Beginning with SFY 2012, the outlier pool will cover eligible claims with admission dates during the state fiscal year (July 1 through June 30) and shall not exceed \$10,000,000 annually. Payment shall be the costs of each hospital's eligible claims less the prospective payment, divided by the sum of all eligible claims costs in excess of payments, multiplied by \$10,000,000.

G. The claim must be submitted no later than six months subsequent to the date that the final claim is paid and no later than September 15 of each year.

H. Qualifying cases for which payments are not finalized by September 1 shall be eligible for inclusion for payment in the subsequent state fiscal year outlier pool.

I. Outliers are not payable for:

1. transplant procedures; or
2. services provided to patients with Medicaid coverage that is secondary to other payer sources.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:519 (March 2010), amended LR 38:

#### **§967. Children's Specialty Hospitals**

A. - H. ...

I. Children's specialty hospitals are not eligible for the per diem adjustments established in §953.H.3 and §953.I.3.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2562 (November 2010), amended LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#086

### **DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Inpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Reimbursement Rate Reduction  
(LAC 50:V.953, 955 and 967)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V. 953, 955, and 967 in the Medical Assistance Program as authorized by R.S.

36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year (SFY) 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates for inpatient hospital services rendered by non-rural, non-state hospitals (*Louisiana Register*, Volume 37, Number 7).

In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state's disaster recovery Federal Medical Assistance Percentage (FMAP) rate, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Taking the proposed per diem rate reduction into consideration, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) inpatient hospital services and children's specialty hospital services under the State Plan are available at least to the extent that they are available to the general population in the state.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

#### **Subpart 1. Inpatient Hospital Services**

#### **Chapter 9. Non-Rural, Non-State Hospitals**

#### **Subchapter B. Reimbursement Methodology**

#### **§953. Acute Care Hospitals**

A. - Q.1. ...

R. Effective for dates of service on or after August 1, 2012, the inpatient per diem rate paid to acute care hospitals shall be reduced by 3.7 percent of the per diem rate on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 34:876 (May 2008), amended LR 34:877 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), amended LR 36:1552(July 2010), LR 36:2561 (November, 2010), LR 37:2161 (July 2011), LR 38:

#### **§955. Long Term Hospitals**

A. - H. ...

I. Effective for dates of service on or after August 1, 2012, the inpatient per diem rate paid to long term hospitals shall be reduced by 3.7 percent of the per diem rate on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR: 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), amended LR 36:1554 (July 2010), LR 36:2562 (November, 2010), LR 37:2162 (July 2011), LR 38:

#### **§967. Children's Specialty Hospitals**

A. - I. ...

J. Effective for dates of service on or after August 1, 2012, the per diem rates as calculated per §967.A.-C above shall be reduced by 3.7 percent. Final payment shall be the lesser of allowable inpatient acute care and psychiatric costs as determined by the cost report or the Medicaid discharges or days as specified per §967.A.-C for the period, multiplied by 85.53 percent of the target rate per discharge or per diem limitation as specified per §967.A.-C for the period.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, amended LR 36:2562 (November, 2010), LR 37:2162 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#087

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Inpatient Hospital Services  
Non-Rural, Non-State Public Hospitals  
Reimbursement Methodology  
(LAC 50:V.953 and 963)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V. 953 and 963 in the Medical Assistance Program as authorized by R.S.

36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year (SFY) 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates for inpatient hospital services rendered by non-rural, non-state hospitals (*Louisiana Register*, Volume 36, Number 11). The November 20, 2010 Rule also amended the reimbursement methodology for inpatient hospital services to establish a Medicaid upper payment limit financing mechanism to provide supplemental payments to hospitals for providing healthcare services to low income and needy patients. The department promulgated an Emergency Rule which amended the provisions governing inpatient hospital services to revise the reimbursement methodology for non-rural, non-state public hospitals (*Louisiana Register*, Volume 37, Number 5).

The department promulgated an Emergency Rule which amended the provisions of the May 15, 2011 Emergency Rule in order to repromulgate these provisions in LAC 50:V.963 to ensure that the provisions are promulgated in a clear and concise manner in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 38 Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the hospital services program and to ensure recipient access to services.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services rendered by non-rural, non-state public hospitals.

### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

##### **Part V. Hospital Services**

##### **Subpart 1. Inpatient Hospital Services**

##### **Chapter 9. Non-Rural, Non-State Hospitals**

##### **Subchapter B. Reimbursement Methodology**

#### **§953. Acute Care Hospitals**

A. - Q. ...

R. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended LR 34:877 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), amended LR 36:1552(July 2010), LR 36:2561 (November, 2010), LR 38:

#### **§963. Public Hospitals**

A. Effective for dates of service on or after May 15, 2011, non-rural, non-state public hospitals shall be reimbursed up to the Medicare inpatient upper payment limits as determined in accordance with 42 CFR §447.272.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#088

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Bureau of Health Services Financing**

#### **Inpatient Hospital Services—Public-Private Partnerships Supplemental Payments (LAC 50:V.Chapter 17)**

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:Chapter 17 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing inpatient hospital services to establish supplemental Medicaid payments to non-state-owned hospitals in order to encourage them to take over the operation and management of state-owned and -operated hospitals that have terminated or reduced services. Participating non-state-owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-provider partnership initiative.

This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services. It is estimated that implementation of this Emergency Rule will be cost neutral to the Medicaid Program for state fiscal year 2012-2013 as the supplemental payments to participating non-state owned hospitals will be funded with the savings realized from the reduced payments (DSH and Medicaid) to state-owned and -operated hospitals.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish supplemental Medicaid payments for

inpatient hospital services provided by non-state-owned hospitals participating in public-private partnerships.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

##### **Subpart 1. Inpatient Hospital Services**

#### **Chapter 17. Public-Private Partnerships**

##### **§1701. Qualifying Hospitals**

A. Non-State Privately Owned Hospitals. Effective for dates of service on or after November 1, 2012, the department shall provide supplemental Medicaid payments for inpatient hospital services rendered by non-state privately owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state privately owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

B. Non-State Publicly Owned Hospitals. Effective for dates of service on or after November 1, 2012, the department shall make supplemental Medicaid payments for inpatient hospital services rendered by non-state publicly owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state publicly owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

C. Non-State Free-Standing Psychiatric Hospitals. Effective for dates of service on or after November 1, 2012, the department shall make supplemental Medicaid payments for inpatient psychiatric hospital services rendered by non-state privately or publicly owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state privately or publicly owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of inpatient Medicaid and uninsured psychiatric hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§1703. Reimbursement Methodology**

A. Payments to qualifying hospitals shall be made on a quarterly basis in accordance with 42 CFR 447.272.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#008

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Inpatient Hospital Services—State Hospitals  
Reimbursement Rate Reduction (LAC 50:V.551)**

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.551 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services to provide a supplemental Medicaid payment to state-owned acute care hospitals that meet the qualifying criteria, and to adjust the reimbursement paid to non-qualifying state-owned acute care hospitals (*Louisiana Register*, Volume 38, Number 5).

In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state’s disaster recovery Federal Medical Assistance Percentage (FMAP) rate, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to state-owned hospitals (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to state hospitals.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 1. Inpatient Hospital Services**

**Chapter 5. State Hospitals**

**Subchapter B. Reimbursement Methodology**

**§551. Acute Care Hospitals**

A. - D. ...

E. Effective for dates of service on or after August 1, 2012, the inpatient per diem rate paid to state-owned acute care hospitals, excluding Villa Feliciana and inpatient psychiatric services, shall be reduced by 10 percent of the per diem rate on file as of July 31, 2012.

1. The Medicaid payments to state-owned hospitals that qualify for the supplemental payments, excluding Villa Feliciana and inpatient psychiatric services, shall be reimbursed at 90 percent of allowable costs and shall not be subject to per discharge or per diem limits.

2. The Medicaid payments to state-owned hospitals that do not qualify for the supplemental payments shall be reimbursed at 54 percent of allowable costs.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1241 (May 2012), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#009

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with  
Developmental Disabilities—Non-State Facilities  
Reimbursement Methodology  
(LAC 50:VII.32903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the allocation of additional funds by the legislature during the 2009 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for non-state intermediate care facilities for persons with developmental disabilities (ICFs/DD) to increase the per diem rates (*Louisiana Register*, Volume 36, Number 7). As a result of a budgetary shortfall in state fiscal year 2011, the department determined that it was necessary to amend the provisions governing the reimbursement methodology for non-state ICFs/DD to reduce the per diem rates (*Louisiana Register*, Volume 36, Number 8).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for non-state ICFs/DD to restore the per diem rates paid to private providers who have downsized large facilities to less than 35 beds and incurred unusually high capital costs as a result of the downsizing (*Louisiana Register*, Volume 36, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2010 Emergency Rule. This action is being taken to protect the health and welfare of Medicaid recipients and to insure continued provider participation in the Medicaid Program.

Effective November 25, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state intermediate care facilities for persons with developmental disabilities.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part VII. Long Term Care

#### Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities

#### Chapter 329. Reimbursement Methodology

#### Subchapter A. Non-State Facilities

#### §32903. Rate Determination

A. - J. ...

K. Effective for dates of service on or after August 1, 2010, the per diem rates for non-state intermediate care facilities for persons with developmental disabilities shall be reduced by 2 percent of the per diem rates on file as of July 31, 2010.

L. Effective for dates of service on or after August 1, 2010, the per diem rates for ICFs/DD which have downsized from over 100 beds to less than 35 beds prior to December 31, 2010 shall be restored to the rates in effect on January 1, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), amended LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#090

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with  
Developmental Disabilities—Public Facilities  
Reimbursement Methodology  
(LAC 50:VII.32965-32969)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:VII.32965-32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for state-operated intermediate care facilities for persons with developmental disabilities (ICFs/DD) and established payments using a formula that established per diem rates at the Medicare upper payment limit for these services (*Louisiana Register*, Volume 29, Number 11). Upon submission of the corresponding State Plan amendment to the Centers for Medicare and Medicaid Services for review and approval, the department determined that it was also necessary to establish provisions in the Medicaid State Plan governing the reimbursement methodology for quasi-public ICFs/DD. The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for public ICFs/DD to establish a transitional Medicaid reimbursement rate for community homes that are being privatized (*Louisiana Register*, Volume 36, Number 8). This Emergency Rule also adopted all of the provisions governing reimbursements to state-owned and operated

facilities and quasi-public facilities in a codified format for inclusion in the *Louisiana Administrative Code*. The department promulgated an Emergency Rule which amended the August 1, 2010 Emergency Rule to revise the provisions governing transitional rates for public facilities (*Louisiana Register*, Volume 37, Number 6). The department promulgated an Emergency Rule which amended the July 1, 2011 Emergency Rule to clarify the provisions for facilities serving a high concentration of medically fragile individuals (*Louisiana Register*, Volume 37, Number 10). The department promulgated an Emergency Rule which amended the October 20, 2011 Emergency Rule in order to revise the provisions governing transitional rates for public facilities (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 20, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with developmental disabilities.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part VII. Long Term Care**

#### **Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities**

#### **Chapter 329. Reimbursement Methodology**

#### **Subchapter C. Public Facilities**

#### **§32965. State-Owned and Operated Facilities**

A. Medicaid payments to state-owned and operated intermediate care facilities for persons with developmental disabilities are based on the Medicare formula for determining the routine service cost limits as follows:

1. calculate each state-owned and operated ICF/DD's per diem routine costs in a base year;
2. calculate 112 percent of the average per diem routine costs; and
3. inflate 112 percent of the per diem routine costs using the skilled nursing facility (SNF) market basket index of inflation.

B. Each state-owned and operated facility's capital and ancillary costs will be paid by Medicaid on a "pass-through" basis.

C. The sum of the calculations for routine service costs and the capital and ancillary costs "pass-through" shall be the per diem rate for each state-owned and operated ICF/DD. The base year cost reports to be used for the initial calculations shall be the cost reports for the fiscal year ended June 30, 2002.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### **§32967. Quasi-Public Facilities**

A. Medicaid payment to quasi-public facilities is a facility-specific prospective rate based on budgeted costs. Providers shall be required to submit a projected budget for the state fiscal year beginning July 1.

B. The payment rates for quasi-public facilities shall be determined as follows:

1. determine each ICF/DD's per diem for the base year beginning July 1;
2. calculate the inflation factor using an average CPI index applied to each facility's per diem for the base year to determine the inflated per diem;
3. calculate the median per diem for the facilities' base year;
4. calculate the facility's routine cost per diem for the SFY beginning July 1 by using the lowest of the budgeted, inflated or median per diem rates plus any additional allowances; and
5. calculate the final approved per diem rate for each facility by adding routine costs plus any "pass through" amounts for ancillary services, provider fees, and grant expenses.

C. Providers may request a final rate adjustment subject to submission of supportive documentation and approval by the department.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### **§32969. Transitional Rates for Public Facilities**

A. Effective October 1, 2012, the department shall establish a transitional Medicaid reimbursement rate of \$302.08 per day per individual for a public ICF/DD facility over 50 beds that is transitioning to a private provider, as long as the provider meets the following criteria :

1. shall have a fully executed Cooperative Endeavor Agreement (CEA) with the Office for Citizens with Developmental Disabilities (OCDD) for the private operation of the facility;
2. shall have a high concentration of medically fragile individuals being served, as determined by the department;
  - a. for purposes of these provisions, a medically fragile individual shall refer to an individual who has a medically complex condition characterized by multiple, significant medical problems that require extended care.
3. incurs or will incur higher existing costs not currently captured in the private ICF/DD rate methodology; and
4. shall agree to downsizing and implement a pre-approved OCDD plan.
  - a. Any ICF/DD home that is a Cooperative Endeavor Agreement (CEA) to which individuals transition to satisfy downsizing requirements, shall not exceed 6-8 beds.

B. The transitional Medicaid reimbursement rate shall only be for the period of transition, which is defined as the term of the CEA or a period of three years, whichever is shorter.

C. The transitional Medicaid reimbursement rate is all-inclusive and incorporates the following cost components:

1. direct care staffing;
2. medical/nursing staff, up to 23 hours per day;
3. medical supplies;
4. transportation;
5. administrative; and
6. the provider fee.

D. If the community home meets the criteria in §32969.C and the individuals served require that the community home has a licensed nurse at the facility 24 hours per day, seven

days per week, the community home may apply for a supplement to the transitional rate. The supplement to the rate shall not exceed \$25.33 per day per individual.

E. The total transitional Medicaid reimbursement rate, including the supplement, shall not exceed \$327.41 per day per individual.

F. The transitional rate and supplement shall not be subject to the following:

1. inflationary factors or adjustments;
2. rebasing;
3. budgetary reductions; or
4. other rate adjustments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#091

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program  
Emergency Ambulance Services  
Reimbursement Rate Reduction  
(LAC 50:XXVII.325 and 353)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXVII.325 and §353 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 10).

Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7). In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state's disaster recovery Federal Medical Assistance Percentage (FMAP) rate, the department promulgated an Emergency Rule which amended the provisions governing emergency medical transportation services to further reduce reimbursement rates (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXVII. Medical Transportation Program

#### Chapter 3. Emergency Medical Transportation

#### Subchapter B. Ground Transportation

#### §325. Reimbursement

A. – I. ...

J. Effective for dates of service on or after August 1, 2012, the reimbursement rates for emergency ambulance transportation services shall be reduced by 5 percent of the rates on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1248 (June 2010), amended LR 36:2564 (November 2010), amended LR 37:3029 (October 2011), LR 38:

#### Subchapter C. Aircraft Transportation

#### §353. Reimbursement

A. – G. ...

H. Effective for dates of service on or after August 1, 2012, the reimbursement rates for fixed winged and rotor winged emergency air ambulance services shall be reduced by 5 percent of the rates on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2594 (November 2010), amended LR 37:3029 (October 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O.

Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#092

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program  
Non-Emergency Medical Transportation  
Public Transit Services  
(LAC 50:XXVII.573)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXVII.573 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a continuing budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the reimbursement methodology governing non-emergency medical transportation (NEMT) services in order to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 10).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for the Medical Transportation Program in order to provide Medicaid reimbursement for NEMT services rendered by public transit providers (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 20, 2011 Emergency Rule. This action is being taken to secure new federal funding and to promote the public health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services.

Effective December 17, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-emergency medical transportation services.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXVII. Medical Transportation Program

#### Chapter 5. Non-Emergency Medical Transportation

#### Subchapter D. Reimbursement

#### §573. Non-Emergency, Non-Ambulance Transportation

A. – E.1....

F. Public Transit Services

1. Effective for dates of service on or after December 20, 2011, the Medicaid Program shall provide

reimbursement for non-emergency medical transportation services rendered by public transit providers.

2. Qualifying providers shall be reimbursed their cost through a certified public expenditure (CPE) program approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

a. Only public transit providers with local funding available to use for the CPE program shall qualify to receive payments.

3. Public transit providers shall be required to submit a DHH-approved cost report to the department outlining their costs in order to determine payment amounts.

4. Exclusions. Payments shall not be made to public transit providers for NEMT services rendered to Medicaid recipients enrolled in a BAYOU HEALTH prepaid health plan.

5. It is the responsibility of the public transit provider to verify a Medicaid recipient's eligibility status and to determine whether the recipient is enrolled in a BAYOU HEALTH prepaid health plan.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:879 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:3030 (October 2011), amended LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#093

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services—Non-Rural, Non-State  
Hospitals—Children's Specialty Hospitals  
(LAC 50:V.5109)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.5109 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to revise the reimbursement methodology for services rendered by children's specialty hospitals (*Louisiana Register*, Volume 35, Number 9). The department promulgated an Emergency Rule in August 2010 to reduce



the reimbursement rates for outpatient hospital services (*Louisiana Register*, Volume 35, Number 8). The provisions of the September 1, 2009 Emergency Rule were incorporated into the August 1, 2010 rate reduction Emergency Rule (*Louisiana Register*, Volume 36, Number 11). In January 2011, the department subsequently promulgated an Emergency Rule which further reduced the reimbursement rates for outpatient hospital services (*Louisiana Register*, Volume 37, Number 1). The provisions of the September 1, 2009, August 1, 2010, November 20, 2010, and the January 1, 2011 Emergency Rules were finalized in the November 20, 2011 rate reduction Rule governing outpatient hospital services (*Louisiana Register*, Number 37, Number 11). However, the provisions in Section 5109 were inadvertently omitted from the Rule.

To ensure that the provisions governing outpatient hospital services rendered by children's specialty hospitals are promulgated in a clear and concise manner, the department now proposes to amend the Rule governing outpatient hospital services in order to incorporate the provisions which were inadvertently omitted from the November 20, 2011 final Rule. This action is necessary to promote the health and welfare of children who are in critical need of outpatient hospital specialty services. It is estimated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2012-2013.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing outpatient hospital services rendered by children's specialty hospitals.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

#### **Subpart 5. Outpatient Hospitals**

#### **Chapter 51. General Provisions**

#### **§5109. Children's Specialty Hospitals**

A. In order to receive Medicaid reimbursement for outpatient services as a children's specialty hospital, the acute care hospital must meet the following criteria:

1. be recognized by Medicare as a prospective payment system (PPS) exempt children's specialty hospital;
2. does not qualify for Medicare disproportionate share hospital payments; and
3. has a Medicaid inpatient days utilization rate greater than the mean plus two standard deviations of the Medicaid utilization rates for all hospitals in the state receiving Medicaid payments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#011

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Outpatient Hospital Services—Non-Rural, Non-State  
Hospitals and Children's Specialty Hospitals  
Reimbursement Rate Reduction  
(LAC:V.5313, 5317, 5513, 5517,  
5713, 5719, 6115 and 6119)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.5313, §5317, §5513, §5517, §5713, §5719, §6115 and §6119 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for outpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals and children's specialty hospitals (*Louisiana Register*, Volume 37, Number 11).

In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state's disaster recovery Federal Medical Assistance Percentage (FMAP) rate, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals and children's specialty hospitals (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Taking the proposed rate reductions into consideration, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough

providers so that private (non-state) outpatient hospital services and children's specialty hospital services under the State Plan are available at least to the extent that they are available to the general population in the state.

Effective November 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospital services to reduce the reimbursement rates.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospitals**

##### **Subpart 5. Outpatient Hospitals**

#### **Chapter 53. Outpatient Surgery**

##### **Subchapter B. Reimbursement Methodology**

###### **§5313. Non-Rural, Non-State Hospitals**

A. – F.1. ...

G. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to non-rural, non-state hospitals for outpatient surgery shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), amended LR 36:1250 (June 2010), LR 36:2041 (September 2010), LR 37:3266 (November 2011), LR 38:

###### **§5317. Children's Specialty Hospitals**

A. – D.1. ...

E. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to children's specialty hospitals for outpatient surgery shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2042 (September 2010), amended LR 37:3266 (November 2011), LR 38:

#### **Chapter 55. Clinic Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§5513. Non-Rural, Non-State Hospitals**

A. – F.1. ...

G. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to non-rural, non-state hospitals for outpatient clinic services shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), amended LR 36:1250 (June 2010), LR 36:2042 (September 2010), LR 37:3266 (November 2011), LR 38:

###### **§5517. Children's Specialty Hospitals**

A. – D. ...

E. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to children's specialty hospitals for outpatient hospital clinic services shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2042 (September 2010), amended LR 37:3266 (November 2011), LR 38:

#### **Chapter 57. Laboratory Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§5713. Non-Rural, Non-State Hospitals**

A. – F.1. ...

G. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to non-rural, non-state hospitals for outpatient laboratory services shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), amended LR 36:1250 (June 2010), LR 36:2042 (September 2010), LR 37:3266 (November 2011), LR 38:

###### **§5719. Children's Specialty Hospitals**

A. - D. ...

E. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to children's specialty hospitals for outpatient clinical diagnostic laboratory services shall be reduced by 3.7 percent of the fee schedule on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2043 (September 2010), amended LR 37:3267 (November 2011), LR 38:

#### **Chapter 61. Other Outpatient Hospital Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§6115. Non-Rural, Non-State Hospitals**

A. – F.1. ...

G. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to non-rural, non-state hospitals for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services and outpatient hospital facility fees shall be reduced by 3.7 percent of the rates in effect on July 31, 2012. Final reimbursement shall be at 67.13 percent of allowable cost through the cost settlement process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), amended LR 36:1250 (June 2010), amended LR 36:2043 (September 2010), LR 37:3267 (November 2011), LR 38:

###### **§6119. Children's Specialty Hospitals**

A. – D.1. ...

E. Effective for dates of service on or after August 1, 2012, the reimbursement fees paid to children's specialty hospitals for outpatient hospital services other than rehabilitation services and outpatient hospital facility fees shall be reduced by 3.7 percent of the rates in effect on July 31, 2012. Final reimbursement shall be 82.96 percent of allowable cost as calculated through the cost report settlement process.

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

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

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#094

## **DECLARATION OF EMERGENCY**

### **Department of Health and Hospitals Bureau of Health Services Financing**

#### **Outpatient Hospital Services—Public-Private Partnerships Supplemental Payments (LAC 50:V.Chapter 67)**

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.Chapter 67 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing outpatient hospital services to establish supplemental Medicaid payments to non-state-owned hospitals in order to encourage them to take over the operation and management of state-owned hospitals that have terminated or reduced services. Participating non-state-owned hospitals shall enter into a cooperative endeavor agreement with the department to support this public-private partnership initiative.

This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services. It is estimated that implementation of this Emergency Rule will be cost-neutral to the Medicaid Program for state fiscal year 2012-2013 as the supplemental payments to participating non-state-owned hospitals will be funded with the savings realized from the reduced payments (DSH and Medicaid) to state-owned and -operated hospitals.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish supplemental Medicaid payments for outpatient hospital services provided by non-state-owned hospitals participating in public-private partnerships.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

##### **Subpart 5. Outpatient Hospital Services**

##### **Chapter 67. Public-Private Partnerships**

##### **§6701. Qualifying Hospitals**

A. Non-State Privately Owned Hospitals. Effective for dates of service on or after November 1, 2012, the department shall provide supplemental Medicaid payments for outpatient hospital services rendered by non-state privately owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state privately owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of outpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

B. Non-State Publicly Owned Hospitals. Effective for dates of service on or after November 1, 2012, the department shall make supplemental Medicaid payments for outpatient hospital services rendered by non-state publicly owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state publicly owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of outpatient Medicaid and uninsured hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

C. Non-State Free-Standing Psychiatric Hospitals. Effective for dates of service on or after November 1, 2012, the department shall make supplemental Medicaid payments for outpatient psychiatric hospital services rendered by non-state privately or publicly owned hospitals that meet the following conditions.

1. Qualifying Criteria. The hospital must be a non-state privately or publicly owned and operated hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to increase its provision of outpatient Medicaid and uninsured psychiatric hospital services by:

a. assuming the management and operation of services at a facility where such services were previously provided by a state-owned and -operated facility; or

b. providing services that were previously delivered and terminated or reduced by a state-owned and -operated facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§6703. Reimbursement Methodology**

A. Payments to qualifying hospitals shall be made on a quarterly basis in accordance with 42 CFR 447.272.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#009

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Outpatient Hospital Services—Small Rural Hospitals  
Low Income and Needy Care Collaboration  
(LAC 50:V.5311, 5511, 5711, 5911 and 6113)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.5311, 5511, 5711, 5911, and 6113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with Act 327 of the 2007 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the reimbursement methodology governing state fiscal year 2009 Medicaid payments to small rural hospitals for outpatient hospital services (*Louisiana Register*, Volume 35, Number 5). The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services to provide for a supplemental Medicaid payment to small rural hospitals that enter into an agreement with a state or local governmental entity for the purpose of providing healthcare services to low income and needy patients (*Louisiana Register*, Volume 37, Number 11). The department promulgated an Emergency Rule which amended the provisions of the October 20, 2011 Emergency Rule in order to clarify the qualifying criteria (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the

December 20, 2011 Emergency Rule. This action is being taken to secure new federal funding and to promote the public health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Hospital Services Program.

Effective December 17, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospital services rendered by small rural hospitals.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospital Services**

**Subpart 5. Outpatient Hospital Services**

**Chapter 53. Outpatient Surgery**

**Subchapter B. Reimbursement Methodology**

**§5311. Small Rural Hospitals**

A. – B.

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement

a. A non-state hospital is defined as a hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid Disproportionate Share Hospital (DSH) Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**Chapter 55. Clinic Services**

**Subchapter B. Reimbursement Methodology**

**§5511. Small Rural Hospitals**

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all

qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement

a. A non-state hospital is defined as a hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

## **Chapter 57. Laboratory Services**

### **Subchapter B. Reimbursement Methodology**

#### **§5711. Small Rural Hospitals**

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient laboratory services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement

a. A non-state hospital is defined as a hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on the Medicaid paid claims for services rendered during the quarter. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

## **Chapter 59. Rehabilitation Services**

### **Subchapter B. Reimbursement Methodology**

#### **§5911. Small Rural Hospitals**

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement

a. A non-state hospital is defined as a hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year. .

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

## **Chapter 61. Other Outpatient Hospital Services**

### **Subchapter B. Reimbursement Methodology**

#### **§6113. Small Rural Hospitals**

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient facility fees during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement

a. A non-state hospital is defined as a hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#096

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

#### Outpatient Hospital Services State-Owned Hospitals Reimbursement Rate Reduction (LAC 50:V.5319, 5519, 5715 and 6127)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.5319, §5519, §5715, and §6127 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 13 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is

promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services in order to continue medical education payments to state-owned hospitals when the hospitals are reimbursed by prepaid risk-bearing managed care organizations for outpatient surgeries, clinic services, rehabilitation services, and other covered outpatient hospital services (*Louisiana Register*, Volume 38, Number 2). The February 10, 2012 Emergency Rule was amended to clarify the provisions governing the reimbursement methodology for outpatient hospital services (*Louisiana Register*, Volume 38, Number 3).

In anticipation of a budgetary shortfall in state fiscal year 2013 as a result of the reduction in the state's disaster recovery Federal Medical Assistance Percentage (FMAP) rate, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services to reduce the reimbursement rates paid to state-owned hospitals (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2012 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance programs.

Effective November 30, 2012, the Department of Health and Hospitals Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospital services to reduce the reimbursement rates paid to state-owned hospitals.

### Title 50

## PUBLIC HEALTH—MEDICAL ASSISTANCE

### Part V. Hospital Services

#### Subpart 5. Outpatient Hospitals

### Chapter 53. Outpatient Surgery

#### Subchapter B. Reimbursement Methodology

##### §5319. State-Owned Hospitals

A. - A.2. ...

B. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to state-owned hospitals for outpatient surgery shall be reduced by 10 percent of the fee schedule on file as of July 31, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 38:

### Chapter 55. Clinic Services

#### Subchapter B. Reimbursement Methodology

##### §5519. State-Owned Hospitals

A. - A.2. ...

B. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to state-owned hospitals for outpatient clinic services shall be reduced by 10 percent of the of the fee schedule on file as of July 31, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**Chapter 57. Laboratory Services**  
**Subchapter B. Reimbursement Methodology**

**§5715. State-Owned Hospitals**

A. ...

B. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to state-owned hospitals for outpatient laboratory services shall be reduced by 10 percent of the fee schedule on file as of July 31, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Service Financing, LR 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**Chapter 61. Other Outpatient Hospital Services**

**Subchapter B. Reimbursement Methodology**

**§6127. State-Owned Hospitals**

A. – B.2. ...

C. Effective for dates of service on or after August 1, 2012, the reimbursement rates paid to state hospitals for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services and outpatient hospital facility fees shall be reduced by 10 percent of the rates in effect on July 31, 2012. Final reimbursement shall be at 90 percent of allowable cost through the cost settlement process.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:957 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#095

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals**  
**Bureau of Health Services Financing**

Pharmacy Benefits Management Program  
Medication Administration  
Influenza Vaccinations  
(LAC 50:XXIX.123, 991 and 993)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXIX.123 and §991 and adopts §993 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the

Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Pharmacy Benefits Management Program to allow payment for the administration of H1N1 vaccine by qualified Medicaid enrolled pharmacists (*Louisiana Register*, Volume 36, Number 8). The department promulgated an Emergency Rule which amended the provisions governing the Pharmacy Benefits Management Program to allow payment for the administration of the influenza vaccine for all Medicaid recipients, and to provide reimbursement for the cost of the influenza vaccine for Medicaid recipients 19 years of age and older (*Louisiana Register*, Volume 36, Number 12). This Emergency Rule is being promulgated to continue the provisions of the January 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by facilitating access to the influenza vaccine.

Effective December 27, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Pharmacy Benefits Management Program to allow reimbursement for the influenza vaccine and administration of the vaccine.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIX. Pharmacy**

**Chapter 1. General Provisions**

**§123. Medication Administration**

A. Influenza Vaccine Administration. The department shall provide coverage for administration of the influenza vaccine by a qualified pharmacist when:

1. the pharmacist has been credentialed by the Louisiana Board of Pharmacy to administer medications; and
2. the pharmacist is Medicaid enrolled.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 38:

**Chapter 9. Methods of Payment**

**Subchapter H. Vaccines**

**§991. Vaccine Administration Fees**

A. ...

B. Effective for dates of service on or after January 1, 2011, the reimbursement for administration of the influenza vaccine for all recipients shall be reimbursed at \$15.22 for subcutaneous or intramuscular injection, \$10.90 for nasal/oral administration or billed charges, whichever is the lesser amount. This fee includes counseling, when performed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 38:

**§993. Vaccine Reimbursement**

A. Effective for dates of service on or after January 1, 2011, the influenza vaccine for recipients aged 19 and over

shall be reimbursed at 90 percent of the 2009 Louisiana Medicare Average Sales Price (ASP) allowable or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#097

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Pharmacy Benefits Management Program  
Methods of Payment (LAC 50:XXIX.105 and Chapter 9)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXIX.105 and Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement for prescription drugs to Medicaid eligible recipients enrolled in the Medicaid Program. Act 10 of the 2009 Regular Session of the Louisiana Legislature provided that the department may redefine the reimbursement methodology for multiple source drugs in establishing the state maximum allowable cost (MAC) in order to control expenditures to the level of appropriations for the Medicaid Program. In accordance with the provisions of Act 10, the department promulgated an Emergency Rule to redefine the Louisiana maximum allowable cost (LMAC) (*Louisiana Register*, Volume 36, Number 1). In addition, the dispensing fee was increased for drugs with an LMAC.

The department subsequently determined that it was necessary to repeal the January 1, 2010 Emergency Rule in its entirety and amend the provisions governing the methods of payment for prescription drugs to redefine the LMAC (*Louisiana Register*, Volume 36, Number 2). The department promulgated an Emergency Rule to amend the February 1, 2010 Emergency Rule to revise the provisions governing the methods of payment for prescription drugs to further redefine the LMAC and increase the dispensing fee (*Louisiana Register*, Volume 36, Number 3). The department determined that it was necessary to repeal the March 1, 2010 Emergency Rule in its entirety and promulgated an Emergency Rule to amend the provisions governing the methods of payment for prescription drugs to revise the

LMAC provisions (*Louisiana Register*, Volume 36, Number 3). The department subsequently promulgated an Emergency Rule to repeal the March 20, 2010 Emergency Rule in its entirety in order to revise the provisions governing the methods of payment for prescription drugs and the dispensing fee (*Louisiana Register*, Volume 38, Number 9).

The department has now determined that it is necessary to amend the provisions of the September 5, 2012 Emergency Rule to further revise the provisions governing the methods of payment for prescription drugs and the dispensing fee. It is estimated that implementation of this Emergency Rule will reduce gross expenditures in the Medicaid Program by approximately \$11,552,406 for state fiscal year 2012-2013.

Effective November 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the September 5, 2012 Emergency Rule governing the methods of payment for prescription drugs covered under the Pharmacy Benefits Management Program.

### Title 50

## PUBLIC HEALTH—MEDICAL ASSISTANCE

### Part XXIX. Pharmacy

#### Chapter 1. General Provisions

#### §105. Medicaid Pharmacy Benefits Management System Point of Sale—Prospective Drug Utilization Program

A. - B. ...

C. Formulary Management. The formulary is managed through the use of federal upper limits (FUL). Federal upper limits provide for dispensing of multiple source drugs at established limitations unless the prescribing physician specifies that the brand product is medically necessary for a patient. Establishment of co-payments also provides for formulary management. The Medicaid Program has established a broad formulary with limited exceptions.

D. Reimbursement Management. The cost of pharmaceutical care is managed through estimated acquisition cost (EAC) of drug ingredient costs through average acquisition cost (AAC) or through wholesale acquisition cost (WAC) when no AAC is assigned; and compliance with federal upper limits regulations, and the establishment of the dispensing fee, drug rebates, and copayments.

E. - H. ...

I. POS/PRO-DUR Requirements Provider Participation  
1. - 5. ...

6. Pharmacy providers and physicians may obtain assistance with clinical questions from the University of Louisiana at Monroe, School of Pharmacy.

I.7. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, Title XIX of the Social Security Act, and the 1995-96 General Appropriate Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

#### Chapter 9. Methods of Payment

#### Subchapter A. General Provisions

#### §901. Definitions

*Average Acquisition Cost (AAC)*—the average of payments that pharmacists made to purchase a drug product, as determined through the collection and review of pharmacy



invoices and other information deemed necessary by the Medicaid Program, and in accordance with applicable state and federal law.

*Average Wholesale Price*—Repealed.

\* \* \*

*Dispensing Fee*—the fee paid by the Medicaid Program to reimburse for the professional services provided by a pharmacist when dispensing a prescription, including the provider fee assessed for each prescription filled in the state of Louisiana or shipped into the state of Louisiana per legislative mandate.

\* \* \*

*Single Source Drug*—a drug mandated or sold by one manufacturer or labeler.

*Usual and Customary Charge*—a pharmacy's charge to the general public that reflects all advertised savings, discounts, special promotions, or other programs, including membership-based discounts initiated to reduce prices for product costs available to the general public, a special population, or an inclusive category of customers.

*Wholesale Acquisition Cost (WAC)*—the manufacturer's published catalog price for a drug product to wholesalers as reported to Medicaid by one or more national compendia on a weekly basis.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1061 (June 2006), amended LR 34:87 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1558 (July 2010), LR 38:

## Subchapter B. Dispensing Fee

### §915. General Provisions

A. The dispensing fee shall be set by the department and reviewed periodically for reasonableness and, when deemed appropriate by the Medicaid Program, may be adjusted considering such factors as fee studies or surveys.

*Adjustment Factors*—Repealed.

a. - d. Repealed.

*Base Rate*—Repealed.

*Base Rate Components*—Repealed.

Table—Repealed.

a. - d. Repealed.

*Maximum Allowable Overhead Cost*—Repealed.

*Overhead Year*—Repealed.

B. Provider participation in the Louisiana Dispensing Fee Survey shall be mandatory. Failure to cooperate in the Louisiana Dispensing Fee Survey by a provider shall result in removal from participation as a provider of pharmacy services in the Medicaid Program. Any provider removed from participation shall not be allowed to re-enroll until a dispensing fee survey document is properly completed and submitted to the bureau.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1558 (July 2010), amended LR 38:

### §917. Maximum Allowable Overhead Cost Calculation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1559 (July 2010), repealed LR 38:

### §919. Parameters and Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1560 (July 2010), repealed LR 38:

### §921. Interim Adjustment to Overhead Cost

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1560 (July 2010), repealed LR 38:

### §923. Cost Survey

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1560 (July 2010), repealed LR 38:

### §925. Dispensing Fee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1064 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), repealed LR 38:

## Subchapter C. Estimated Acquisition Cost

### §935. Estimated Acquisition Cost Formula

A. *Estimated Acquisition Cost (EAC)*—the average acquisition cost of the drug dispensed adjusted by a multiplier of 1.1 for multiple source drugs and a multiplier of 1.01 for single-source drugs. If there is not an AAC available, the EAC is equal to the wholesale acquisition cost, as reported in the drug pricing compendia utilized by the department's fiscal intermediary. For department-defined specialty therapeutic classes, the EAC is the Wholesale Acquisition Cost adjusted by a multiplier of 1.05.

B. - B.4.c. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1064 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), LR 38:

## Subchapter D. Maximum Allowable Costs

### §945. Reimbursement Methodology

A. Maximum Pharmaceutical Price Schedule

1. ...

2. Repealed.

B. 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. The department advises participating pharmacists regarding payable medication.

C. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1064 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), LR 38:

**§949. Cost Limits**

A. - A.3.c. ...

B. The department shall make payments for single source drugs based on the lower of:

1. estimated acquisition cost (EAC) plus the dispensing fee; or

2. the provider's usual and customary charges to the general public not to exceed the department's "Maximum Pharmaceutical Price Schedule."

a. *General Public*—defined here as all other non-Medicaid prescriptions including:

- i. third party insurance;
- ii. pharmacy benefit management; or
- iii. cash.

3. Repealed.

C. The department shall make payments for multiple source drugs other than drugs subject to physician certifications based on the lower of:

1. estimated acquisition cost plus the dispensing fee;

2. federal upper limits plus the dispensing fee; or

3. the provider's usual and customary charges to the general public not to exceed the department's "Maximum Pharmaceutical Price Schedule."

a. *General Public*—defined here as all other non-Medicaid prescriptions including:

- i. third party insurance;
- ii. pharmacy benefit management; or
- iii. cash.

4. Repealed.

D. - E.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1065 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), LR 38:

**Subchapter E. 340B Program**

**§961. Definitions**

\*\*\*

*Estimated Acquisition Cost (EAC)*—the average acquisition cost of the drug dispensed adjusted by a multiplier of 1.1 for multiple source drugs and a multiplier of 1.01 for single-source drugs. If there is not an AAC available, the EAC is equal to the wholesale acquisition cost, as reported in the drug pricing compendia utilized by the department's fiscal intermediary. For department-defined specialty therapeutic classes, the EAC is the wholesale acquisition cost adjusted by a multiplier of 1.05.

\*\*\*

*Wholesale Acquisition Cost (WAC)*—the manufacturer's published catalog price for a drug product to wholesalers as reported to Medicaid by one or more national compendia on a weekly basis.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1066 (June 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

**§963. Reimbursement**

A. - B. ...

C. *Dispensing Fees.* The covered entity shall be paid a dispensing fee of \$10.51 for each prescription dispensed to a Medicaid patient. With respect to contract pharmacy arrangements in which the contract pharmacy also serves as the covered entity's billing agent, the contract pharmacy shall be paid the \$10.51 dispensing fee on behalf of the covered entity.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1066 (June 2006), amended LR 34:88 (January 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1561 (July 2010), LR 38:

**Subchapter F. Anti-hemophilia Drugs**

**§971. Reimbursement**

A. Anti-hemophilia drugs purchased by a covered entity through the 340B Program and dispensed to Medicaid recipients shall be billed to Medicaid at actual 340B acquisition cost plus 10 percent and the dispensing fee unless the covered entity has implemented the Medicaid carve-out option. If the covered entity has implemented the Medicaid carve-out option, such drugs shall be reimbursed at EAC plus the dispensing fee or the billed charges, whichever is less.

B. Anti-hemophilia drugs purchased by a non-340B covered entity shall be reimbursed at EAC plus the dispensing fee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:881 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to all inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#012

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Bureau of Health Services Financing

Pregnant Women Extended Services  
Substance Abuse Screening and Intervention Services  
(LAC 50:XV.16301, 16303, and 16305)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.Chapter 163 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides expanded coverage of certain dental services rendered to Medicaid eligible pregnant women who are in need of periodontal treatment as a means of improving the overall health of mothers and their newborns (*Louisiana Register*, Volume 30, Number 3).

As part of the Department of Health and Hospital's ongoing initiative to improve birth outcomes in the state, the Bureau of Health Services Financing, in collaboration with the Office of Behavioral Health, promulgated an Emergency Rule which adopted provisions to establish Medicaid coverage for substance abuse screening and brief intervention services rendered to Medicaid eligible pregnant women (*Louisiana Register*, Volume 37, Number 4). Research has shown that tobacco dependence and substance abuse intervention programs targeted to pregnant women improves the overall health of the mother and reduces the occurrences of low birth-weight babies and perinatal deaths. It is anticipated that these new services will improve birth outcomes and subsequently reduce Medicaid costs associated with the care of pregnant women and their babies.

The department now proposes to amend the April 1, 2011 Emergency Rule in order to require providers to use the Louisiana Health Assessment Referral and Treatment System (LaHART) to receive payment for substance abuse screening and brief intervention services rendered to Medicaid eligible pregnant women. LaHART is a web-based, prenatal behavioral health screening system that screens for tobacco, drug and alcohol abuse as well as domestic violence. This action is being taken to promote the health and welfare of Medicaid eligible pregnant women and to reduce the Medicaid costs associated with the care of pregnant women and their babies.

Effective November 20, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends

the provisions of the April 1, 2011 Emergency Rule governing Medicaid coverage of substance abuse screening and brief interventions rendered to Medicaid eligible pregnant women.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XV. Services for Special Populations

##### Subpart 13. Pregnant Women Extended Services

#### Chapter 163. Substance Abuse Screening and Intervention Services

##### §16301. General Provisions

A. Effective for dates of service on or after April 1, 2011, the department shall provide coverage of substance abuse screening and brief intervention services rendered to Medicaid eligible pregnant women with the Louisiana Health Assessment Referral and Treatment system.

B. Substance abuse screening and intervention services may be performed with the Louisiana Health Assessment Referral and Treatment system at the discretion of the medical professional providing care to the pregnant woman.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

##### §16303. Scope of Services

A. Screening services shall include the screening of pregnant women with the Louisiana Health Assessment Referral and Treatment system for the use of:

1. alcohol;
2. tobacco;
3. drugs; and/or
4. domestic violence.

B. Intervention services shall include a brief 15-30 minute counseling session with a health care professional intended to help motivate the recipient to develop a plan to moderate or cease their use of alcohol, tobacco, or drugs.

C. Service Limits. Substance abuse screening and intervention services shall be limited to one occurrence each per pregnancy, or once every 270 days.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

##### §16305. Reimbursement Methodology

A. Effective for dates of service on or after April 1, 2011, the Medicaid Program shall provide reimbursement for substance abuse screening and intervention services rendered to Medicaid eligible pregnant women.

B. Reimbursement for these services shall be a flat fee based on the appropriate Healthcare Common Procedure Coding (HCPC) code.

C. Effective for dates of service on or after January 1, 2013, Medicaid reimbursement for substance abuse screening and intervention services shall only be made to providers with documented use of the LaHART system.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#079

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Psychiatric Residential Treatment Facilities  
Licensing Standards  
(LAC 48:I.9003, 9009, 9077, 9093, and 9097)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.9003, §9009, §9077, §9093 and §9097 as authorized by R.S. 40:2179-2179.1. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the licensing standards for psychiatric residential treatment facilities in order to prepare for the transition to a comprehensive system of delivery for behavioral health services in the state (*Louisiana Register*, Volume 38, Number 2). The department promulgated an Emergency Rule which amended the provisions governing the licensing of psychiatric residential treatment facilities (PRTFs) in order to revise the licensing standards as a means of assisting PRTFs to comply with the standards (*Louisiana Register*, Volume 38, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 20, 2012 Emergency Rule. This action is being taken to avoid imminent peril to the public health, safety and welfare of the children and adolescents who need these services.

Effective December 19, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing of psychiatric residential treatment facilities.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing**

**Chapter 90. Psychiatric Residential Treatment  
Facilities (under 21)**

**Subchapter A. General Provisions**

**§9003. Definitions**

A. ...

\* \* \*

*Normal Business Hours*—between the hours of 7 a.m. and 6 p.m. every Monday through Friday, except for holidays.

\* \* \*

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:54 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:371 (February 2012), LR 38:

**Subchapter B. Licensing**

**§9009. Initial Licensing Application Process**

A. - C.4. ...

5. a copy of statewide criminal background checks on all individual owners with a 5 percent or more ownership interest in the PRTF entity, and on all administrators or managing employees;

C.6. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:373 (February 2012), amended LR 38:

**Subchapter F. Physical Environment**

**§9077. Interior Space**

A. - T. ...

U. The provider shall have a laundry space complete with washers and dryers that are sufficient to meet the needs of the residents.

V. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:68 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:391 (February 2012), LR 38:

**Subchapter H. Additional Requirements for Mental  
Health PRTFs**

**§9093. Personnel Qualifications, Responsibilities, and  
Requirements**

A. - A.2.a.iv. ...

b. The clinical director is responsible for the following:

i. providing a monthly minimum of one hour of on-site clinical direction per resident;

(a) the governing body may delegate some or all of this responsibility to another physician(s) who meets the qualifications of a clinical director; and

ii. ...

3. LMHPs, MHPs, and MHSs. The PRTF shall provide or make available adequate numbers of LMHPs, MHPs, and MHSs to care for its residents. There shall be at least one LMHP or MHP supervisor on duty at least 40 hours/week during normal business hours at the facility and as required by the treatment plan. When not on duty at the facility, there shall be a LMHP or MHP on call. The PRTF shall develop a policy to determine the number of LHMPs, MHPs, MHSs on duty and the ratio of LHMPs and MHPs to MHSs based on the needs of its residents.

A.3.a. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:397 (February 2012), amended LR 38:

**Subchapter I. Additional Requirements for Addictive Disorder PRTFs**

**§9097. Personnel Qualifications, Responsibilities, and Requirements for Addictive Disorder PRTFs**

A. - A.2.a.iii.(c). ...

b. The clinical director is responsible for the following:

i. providing a monthly minimum of one hour of on-site clinical direction per resident;

(a) the governing body may delegate some or all of this responsibility to another physician(s) who meets the qualifications of a clinical director); and

ii. ...

3. LMHPs, MHPs and MHSs. The PRTF shall provide or make available adequate numbers of LMHPs, MHPs and MHSs to care for its residents. There shall be at least one LMHP or MHP supervisor on duty at least 40 hours/week during normal business hours at the facility and as required by the treatment plan. When not on duty at the facility, there shall be a LMHP or MHP on call. The PRTF shall develop a policy to determine the number of LHMPs, MHPs, MHSs on duty and the ratio of LHMPs and MHPs to MHSs based on the needs of its residents.

A.3.a. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:339 (February 2012), amended LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#098

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Substance Abuse/Addictive Disorders Facilities  
Minimum Licensing Standards  
Physical Space Requirements Exemption  
(LAC 48:I.7403)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend LAC 48:I.7403 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:1058.1-9. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1), et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with Act 655 of the 2003 Regular Session of the Louisiana Legislature, the Department of Health and

Hospitals, Office of the Secretary, Bureau of Health Services amended the licensing standards for substance abuse/addiction treatment facilities to reflect the national accreditation standards for such facilities (*Louisiana Register*, Volume 31, Number 3).

Act 384 of the 2009 Regular Session of the Louisiana Legislature merged the Office for Addictive Disorders (OAD) with the Office for Mental Health (OMH) to form the Office of Behavioral Health (OBH). Existing licensing provisions for the facilities which came under the authority of OAD and OMH did not allow for the facilities to operate in a common space after OBH was formed. Hence, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions of the March 20, 2005 Rule governing the minimum licensing standards for substance abuse/addictive disorders facilities in order to allow for an exemption from the physical space requirements for state- or district-owned or operated facilities which operate in or with a state- or district-owned or operated mental health center or mental health clinic (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of patients receiving services in these facilities.

Effective November 28, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing the minimum licensing standards for substance abuse/addictive disorders facilities.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Chapter 74. Substance Abuse/Addictive Disorders  
Treatment Facilities**

**Subchapter A. General Provisions**

**§7403. Licensing**

A. - C.4.f. ...

5. A state- or district-owned or operated substance abuse/addictive disorders facility operating in or with a state- or district-owned or operated mental health clinic shall be exempt from the physical space requirements for operating as separate entities.

a. This exemption shall apply to facilities created under the provisions of R.S. 29:911-920 or R.S. 28:831(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1453 (July 2000), LR 31:669 (March 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#100

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Standards for Community Mental Health  
Physical Space Requirements Exemption  
(LAC 48:III.537)**

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend LAC 48:III.537 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 28:567-573. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1), et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Human Resources, Office of Mental Health repromulgated all of the provisions governing the minimum licensing standards and policies for community mental health services rendered by mental health centers and clinics for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 13, Number 4).

Act 384 of the 2009 Regular Session of the Louisiana Legislature merged the Office for Addictive Disorders (OAD) with the Office for Mental Health (OMH) to form the Office of Behavioral Health (OBH). Existing licensing provisions for the facilities which came under the authority of OAD and OMH did not allow for the facilities to operate in a common space after OBH was formed. The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions of the April 20, 1987 Rule governing the minimum licensing standards for community mental health centers and mental health clinics in order to allow for an exemption from the physical space requirements for state- or district-owned or operated facilities which operate in or with a state- or district-owned or operated substance abuse/addictive disorders facility (*Louisiana Register*, Volume 37, Number 11). This Emergency Rule is being promulgated to continue the provisions of the December 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of patients receiving services in these facilities.

Effective November 28, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing the minimum licensing standards for community mental health centers and mental health clinics.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part III. Mental Health Services**

**Chapter 5. Standards for Community Mental Health**

**Subchapter A. Centers and Clinics**

**§537. Facilities Management**

A. – C. ...

D. Exemption. A state- or district-owned or operated mental health clinic operating in or with a state- or district-owned or operated substance abuse/addictive disorders facility shall be exempt from the physical space requirements for operating as separate entities.

1. This exemption shall apply to facilities created under the provisions of R.S. 29:911-920 or R.S. 28:831(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 28:567-573.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Mental Health, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein  
Secretary

1211#099

**DECLARATION OF EMERGENCY**

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

**Added Controlled Dangerous Substance  
(LAC 46:LIII.2704)**

The Department of Health and Hospitals, Office of Public Health (DHH/OPH), pursuant to the rulemaking authority granted to the Secretary of DHH by R.S. 40:962(C) and R.S. 40:962(H), hereby adopts the following Emergency Rule for the protection of public health. This rule is being promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.). This Emergency Rule shall remain in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Based on the criteria and guidance set forth in R.S. 40:962(C) and 40:963, the secretary, under this rulemaking, has determined that the below listed substance has a high potential for abuse and should be scheduled as a controlled dangerous substance to avoid an imminent peril to the public health, safety, or welfare. In reaching the decision to designate the below listed substance as a controlled dangerous substance under Schedule I, the secretary has considered the criteria provided under R.S. 40:963 and the

specific factors listed under R.S. 40:962(C). The secretary has determined that Schedule I is the most appropriate due to his findings that the substance added herein has a high potential for abuse, the substance has no currently accepted medical use for treatment in the United States, and there is a lack of accepted safety for use of the substance under medical supervision.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

**Subchapter A. General Provisions**

**§2704. Added Controlled Dangerous Substances**

A. The following drugs or substances are added to Schedule I of the Louisiana Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.:

1. 2-(4-iodo-2, 5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl] ethanamine (251NBOMe)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:962, R.S. 40:963, and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 39:

Bruce D. Greenstein  
Secretary

1211#056

**DECLARATION OF EMERGENCY**

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

2012/2013 Oyster Season Closures

In accordance with the emergency provisions of Louisiana Revised Statutes (R.S.) 49:953, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on August 2, 2012 which authorized the Secretary of the Department of Wildlife and Fisheries to take emergency action if oyster resources and/or reefs are being adversely impacted, notice is hereby given that the Secretary of Wildlife and Fisheries hereby declares the following closures to the 2012/2013 oyster season:

The harvest of seed oysters for bedding purposes from the Hackberry Bay Public Oyster Seed Reservation shall close at one half hour after sunset on Saturday, November 3, 2012.

The Lake Chien and Lake Felicity Public Oyster Seed Grounds shall close at one-half hour after sunset on Saturday, November 3, 2012.

Harvest pressure during the season has significantly reduced an already small oyster stock size and continued commercial harvest may threaten the long-term sustainability of remaining oyster resources in these areas. Protection of these remaining oyster reef resources from injury is in the best interest of the public oyster areas.

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

Robert J. Barham  
Secretary

1211#030

**DECLARATION OF EMERGENCY**

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

Closure of New Oyster Cultch Plants  
for 2012/2013 Oyster Season

In accordance with the emergency provisions of Louisiana Revised Statutes (R.S.) 49:953, under the authority of R.S. 56:433, R.S. 56:435.1 and R.S. 56:435.1.1(D), and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on August 2, 2012, notice is hereby given that the Secretary of Wildlife and Fisheries hereby declares that the following recently-constructed cultch plant areas on the public oyster seed grounds within the coordinates listed below, which are located east of the Mississippi River, shall remain closed to oyster harvest for the entire 2012/2013 oyster season:

1. Lake Fortuna (2012)—St. Bernard Parish:

a. 29 degrees 39 minutes 08.04 seconds N,  
89 degrees 30 minutes 28.93 seconds W;

b. 29 degrees 38 minutes 33.31 seconds N,  
89 degrees 29 minutes 15.45 seconds W;

c. 29 degrees 38 minutes 10.57 seconds N,  
89 degrees 29 minutes 40.71 seconds W;

d. 29 degrees 39 minutes 04.41 seconds N,  
89 degrees 30 minutes 32.61 seconds W;

2. South Black Bay (2012)—Plaquemines Parish:

a. 29 degrees 34 minutes 41.72 seconds N,  
89 degrees 36 minutes 22.86 seconds W;

b. 29 degrees 34 minutes 31.45 seconds N,  
89 degrees 35 minutes 48.68 seconds W;

c. 29 degrees 34 minutes 08.12 seconds N,  
89 degrees 36 minutes 07.94 seconds W;

d. 29 degrees 34 minutes 23.03 seconds N,  
89 degrees 36 minutes 43.20 seconds W.

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

Robert J. Barham  
Secretary

1211#014

## DECLARATION OF EMERGENCY

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

#### Oyster Season Delay in a Portion of the Public Oyster Seed Grounds East of the Mississippi River

In accordance with the emergency provisions of Louisiana Revised Statutes (R.S.) 49:953, under the authority of R.S. 56:433, R.S. 56:435.1 and R.S. 56:435.1.1(D), and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on August 2, 2012, notice is hereby given that the Secretary of Wildlife and Fisheries hereby declares that the October 29, 2012 opening of the 2012/2013 oyster season in the a portion of the public oyster seed grounds east of the Mississippi River further described below shall be delayed until further notice. The oyster season delay shall include that portion of the public oyster seed grounds east of the Mississippi River, south of the Mississippi River Gulf Outlet, and north of a line of latitude at 29 degrees 34 minutes 48.0 seconds north.

This oyster season delay is necessary to protect the recent spat set so as to increase the likelihood of spat survival in areas where oyster resources are at historic lows and spatfall has been below normal in recent years. Protection of spat is in the long-term best interest of the public oyster seed grounds and reservations.

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

Robert J. Barham  
Secretary

1211#013

## DECLARATION OF EMERGENCY

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

#### Remote Setting Program

In accordance with the provisions of R.S. 36:609 and R.S. 56:434, as well as the emergency provisions of Section 3 of the Governors' Proclamation NO.116 BJ 2012, the Secretary of the Louisiana Department of Wildlife and Fisheries hereby declares a state of emergency on Louisiana's oyster seed grounds Statewide.

On April 20, 2010, the offshore drilling rig *Deepwater Horizon* exploded and caught fire 42 miles southeast of Venice, Louisiana. The resulting oil spill was the largest in American history, the environmental, ecological, social, and economic impacts of which continue to be assessed. As a result, a significant portion of Louisiana's marine and coastal ecosystems were impacted. While the extent of such impacts are still unknown, ongoing monitoring has shown that expansive portions of Louisiana's Public Oyster Seed Grounds have been experiencing significantly lower levels of successful oyster reproduction (oyster spat set) over the last two years. Spat set is a key indicator of oyster reef health as it shows the recruitment of young oysters into the population. It is due to these circumstances, the Secretary has issued this Declaration of Emergency.

In response, the Louisiana Department of Wildlife and Fisheries is developing a strategy to augment natural oyster recruitment using hatchery produced oyster larvae and spat. The Department has traditionally placed cultch material within the oyster seed grounds to capture natural spat set. Such cultch material will be placed in areas of low spat set and subsequently be seeded with hatchery-raised oyster larvae set on micro cultch material at the existing Louisiana State University (LSU) oyster hatchery in Grand Isle, Louisiana. Oyster larvae produced by the hatchery will also be remotely set on cultch material in tanks at the LDWF oyster cultch staging area in Buras, Louisiana which will then be placed on the oyster seed grounds. This oyster rehabilitation and oil spill response strategy will hereafter be referred to as the "Remote Setting Program."

This Declaration of Emergency shall take effect immediately and shall expire ninety days from the date of execution, unless modified or extended by further order.

Robert Barham  
Secretary

1211#005



# Rules

## RULE

### Department of Children and Family Services Division of Programs Licensing Section

Foster Care/Substitute Family Care  
(LAC 67:V.Chapter 63)

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section in accordance with provisions of the Administrative Procedure Act, R.S. 49:953(A) has repealed LAC 67:V, Subpart 8, Chapter 63 Foster Care/Substitute Family Care. Chapter 63 is has been repealed as the Chapter includes regulations that govern adult foster care. Act 128 of the 2005 Regular Legislative Session repealed the department's statutory authority for adult foster care. Statutory authority for adult foster care was given to the Department of Health and Hospitals (DHH). Substitute family care programs are governed by LAC 48:1, Chapter 50 promulgated by DHH effective January 2012.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 63. Foster Care/Substitute Family Care

##### §6301. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2679 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1554 (August 2009), amended LR 36:784 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6303. Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2679 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1554 (August 2009), amended LR 36:785 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6305. Personal Characteristics

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of

Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2680 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1555 (August 2009), amended LR 36:785 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6307. Professional Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 18:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2680 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1555 (August 2009), amended LR 36:786 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6309. Client Care and Treatment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2681 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1556 (August 2009), amended LR 36:787 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6311. Medical and Dental

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2683 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1558 (August 2009), amended LR 36:788 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2734 (November 2012).

##### §6313. Medications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2683 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1558 (August 2009), amended LR 36:788 (April 2010), repealed by the Department of Children and



of Community Services, LR 35:1560 (August 2009), amended LR 36:790 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2735 (November 2012).

**§6335. General Safety**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2685 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1560 (August 2009), amended LR 36:790 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2736 (November 2012).

**§6337. Fire Safety**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2685 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1560 (August 2009), amended LR 36:790 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2736 (November 2012).

**§6339. Health and Sanitation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2685 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1560 (August 2009), amended LR 36:790 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2736 (November 2012).

**§6341. Transportation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2685 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1560 (August 2009), amended LR 36:790 (April 2010), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:2736 (November 2012).

Suzu Sonnier  
Secretary

1211#121

**RULE**

**Department of Economic Development  
Office of Business Development**

**Competitive Projects Payroll Incentive Program  
(LAC 13:I.Chapter 43)**

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104 hereby enacts Sections 4301-4311 for the administration of the newly created Competitive Projects Payroll Incentive Program as LAC 13:I.Chapter 43.

**Title 13**

**ECONOMIC DEVELOPMENT**

**Part I. Financial Incentive Programs**

**Chapter 43. Competitive Projects Payroll Incentive Program**

**§4301. General**

A. The Competitive Projects Payroll Incentive Program (the “program”) provides an incentive rebate of up to 15 percent of a participating company’s new payroll. The secretary (“secretary”) of the Louisiana Department Economic Development (“LED”) may invite businesses who meet the eligibility requirements to participate in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:27360 (November 2012).

**§4303. Eligibility Requirements; Invitation to Participate; Application**

A. The secretary may invite a business to participate in the program, upon determining the business meets all of the following criteria:

1. at least 50 percent of the total annual sales of the business from its Louisiana site or sites is to out-of-state customers or buyers, or to in-state customers or buyers who resell the product or service to an out-of-state customer or buyer for ultimate use, or to the federal government, or any combination thereof;
2. the business will primarily engage in one of the following activities at the project site:
  - a. manufacturing of the following types of durable goods:
    - i. automobiles, motorcycles or other passenger vehicles, or components thereof;
    - ii. aircraft or components thereof;
    - iii. spacecraft or components thereof;
    - iv. medical devices;
    - v. batteries or other power storage devices;
    - vi. motors, engines, turbines or components thereof;
    - vii. environmental control systems;
    - viii. household appliances;
    - ix. computers, computer peripherals or components thereof;
    - x. communications equipment;

- xi. audio or video equipment;
- xii. semiconductors;
- xiii. consumer-oriented electronic devices or components thereof;
- xiv. industrial machinery; or
- xv. construction heavy equipment such as excavators;
- b. manufacturing of pharmaceutical products;
- c. conversion of natural gas to diesel, jet fuel, or other refined fuels;
- d. data storage or data services, provided that at least 75 percent of sales meet the out-of-state sales requirements of this Subsection; or
- e. other activities as recommended by the secretary and approved by the Joint Legislative Committee on the Budget; and
- f. the business offers or will offer a basic health benefits plan to individuals it employs within 90 days of the effective date of qualifying for the incentive rebates pursuant to R.S. 51:3111;

3. the following types of businesses shall not be eligible for participation in the program:

- a. a business engaged in gaming or gambling;
- b. a business primarily engaged in natural resource extraction or exploration, unless the project activity is the conversion of natural gas to diesel, jet fuel, or other refined fuels; or
- c. a business primarily engaged in retail sales, real estate, professional services, financial services, venture capital funds, shipbuilding, wood products, agriculture, or manufacturing of machinery or equipment primarily intended to serve the energy industry.

B. At the invitation of the secretary, a business may apply for participation in the program by submitting certified statements and substantiating documents as required by LED.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2736 (November 2012).

#### **§4305. Contract Approval**

A. Contract. The secretary shall determine the terms and conditions of the contract, including the term, rebate rate, maximum rebate amount, performance obligations and the consequences of any failure to perform such obligations.

B. Approval

1. The secretary may request approval of the contract by the Joint Legislative Committee on the Budget upon determining that:

- a. the business meets all eligibility requirements;
- b. participation in the program is needed in a highly competitive site selection situation to encourage the business to locate the project in the state; and
- c. securing the project will result in significant positive economic benefit to the state.

3. The Joint Legislative Committee on the Budget may approve the contract for the business' participation in the program for an initial term of up to five years, renewable at the discretion of the secretary for up to an additional five years.

4. Upon approval of the contract, LED shall submit a copy of the contract to the Louisiana Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2737 (November 2012).

#### **§4307. Contract Renewal**

A. Upon application by a qualified business, and LED's determination that the business continues to meet eligibility requirements and contract performance obligations, the secretary may renew the contract for an additional period of up to five years. LED shall submit a copy of the renewal to the Louisiana Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2737 (November 2012).

#### **§4309. Annual Certification of Eligibility**

A. The qualified business must submit certification (signed by a key employee of the business) that it continues to meet all eligibility requirements of the program as well as all performance obligations of the contract by September 1 of each year unless the contract designates another reporting deadline. A company's failure to submit the annual certification of eligibility by the deadline provided for in this section shall result in the forfeiture of benefits for the previous tax year and the secretary, in his discretion, may terminate the contract. LED may require an audit of any annual certification at the expense of the qualified business.

B. Annually, LED will verify that a participating company continues to meet the eligibility requirements of the program as well as performance obligations of the contract and submit the rebate claim to the Louisiana Department of Revenue for payment.

C. If a business fails to maintain the eligibility requirements for participation in the program or fails to meet the performance objectives in the contract, the department may suspend or terminate the contract.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2737 (November 2012).

#### **§4311. Severability**

A. If any Section or provision of this Chapter is held invalid, such invalidity shall not affect other provisions of this Chapter. Any provision of this Chapter that is in conflict with the statutory provisions of this program or any other statute will be invalid and will be severable.

AUTHORITY NOTE: Promulgated in accordance with Act 507 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2737 (November 2012).

Anne G. Villa  
Undersecretary

1211#078

## RULE

### Department of Economic Development Office of Business Development

#### Corporate Headquarters Relocation Program (LAC 13:I.Chapter 45)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby enacts Sections 4501 through 4509 for the administration of the newly created Corporate Headquarters Relocation Program as LAC 13:I.Chapter 45.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 45. Corporate Headquarters Relocation Program

##### §4501. General

A. The Corporate Headquarters Relocation Program (the "program") provides a rebate equal to 25 percent of a participating company's relocation costs when they relocate or expand their headquarters within Louisiana. The secretary ("secretary") of the Louisiana Department Economic Development ("LED") may invite businesses who meet the eligibility requirements to participate in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 503 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2738 (November 2012).

##### §4503. Eligibility Requirements; Invitation to Participate; Application

A. The secretary may invite a business to participate in the program, upon determining the business meets all of the following criteria:

1. the business is relocating a headquarters to Louisiana or is expanding headquarters in Louisiana;
2. the secretary determines that participation in the program will be a significant factor in a highly competitive site selection situation to encourage the business to relocate or expand the headquarters in Louisiana;
3. the secretary determines that securing the project will result in a significant positive economic benefit to the state; and
4. relocation or expansion of the headquarters will create at minimum of 25 headquarters jobs.

B. A business engaged in the gaming or gambling shall not be eligible for participation in the program.

C. At the invitation of the secretary, a business may apply for participation in the program by submitting certified statements and substantiating documents as required by LED.

AUTHORITY NOTE: Promulgated in accordance with Act 503 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2738 (November 2012).

##### §4505. Contract Approval

A. Contract. The secretary shall determine the terms and conditions of the contract, including but not limited to, scope of the project, performance obligations, determination of qualifying relocation costs, and the maximum amount of qualifying relocation costs eligible for the rebate.

##### B. Approval

1. The secretary may request approval of the contract by the Joint Legislative Committee on the Budget upon determining the company meets the eligibility requirements of the program.

2. The Joint Legislative Committee on the Budget may approve the contract for the business' participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 503 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2738 (November 2012).

##### §4507. Certification of Qualifying Relocation Costs and Rebate Payment

A. The qualified business must provide LED with a cost report detailing all relocation costs upon completion of the relocation or expansion. LED will review the cost report and certify a dollar value of relocation expenditures eligible for the rebate. LED may require an audit of the relocation costs at the expense of the qualified business.

B. The rebate shall be claimed by the business in equal installments over a five year period of time.

1. No payment of a rebate shall be made in the same fiscal year in which the contract is approved by the Joint Legislative Committee on the Budget.

2. The business shall claim the rebate on a form prescribed by the Secretary of the Louisiana Department of Revenue.

3. A request for rebate may not be made more than 30 days prior to the business's right to receive the rebate.

AUTHORITY NOTE: Promulgated in accordance with Act 503 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2738 (November 2012).

##### §4509. Severability

A. If any Section or provision of this Chapter is held invalid, such invalidity shall not affect other provisions of this Chapter. Any provision of this Chapter that is in conflict with the statutory provisions for this program or any other statute will be invalid and will be severable.

AUTHORITY NOTE: Promulgated in accordance with Act 503 of the 2012 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2738 (November 2012).

Anne G. Villa  
Undersecretary

1211#075

## RULE

### Department of Economic Development Office of Business Development

#### Corporate Tax Apportionment Program (LAC 13:I.Chapter 41)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby enacts Sections 4101 through 4111 for the administration of the newly created Corporate Tax Apportionment Program as LAC 13:I.Chapter 41.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 41. Corporate Tax Apportionment Program

##### §4101. General

A. The Corporate Tax Apportionment Program (the “program”) extends the single sales factor computation for corporate income and franchise tax purposes utilized by manufacturers and merchandisers to other qualified business sectors. The secretary (“secretary”) of the Louisiana Department Economic Development (“LED”) may invite businesses who meet the eligibility requirements to participate in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:4401.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2739 (November 2012).

##### §4103. Eligibility Requirements; Invitation to Participate; Application

A. The secretary may invite a business to participate in the program, upon determining the business meets all of the following criteria:

1. at least 50 percent of the total annual sales of the business from its Louisiana site or sites is to out-of-state customers or buyers, or to in-state customers or buyers who resell the product or service to an out-of-state customer or buyer for ultimate use, or to the federal government, or any combination thereof;

2. the activities of the Louisiana site or sites include at least one of the following:

- a. corporate headquarters;
- b. logistics;
- c. warehousing;
- d. data center;
- e. clean technology
- f. destination health care;
- g. research and development;
- h. renewable energy;
- i. digital media and software development; or
- j. any other business sector targeted by the secretary as a focus of the department’s economic development efforts;

3. except when the business will provide at least 25 new headquarters jobs or shared service center jobs, the business is not primarily engaged in any of the following sectors:

- a. retail sales;
- b. real estate;

- c. professional services;
- d. natural resource extraction or exploration;
- e. financial services; or
- f. venture capital funds;

4. the business is not engaged in gaming or gambling.

B. At the invitation of the secretary, a business may apply for participation in the program by submitting certified statements and substantiating documents as required by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:4401.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2739 (November 2012).

##### §4105. Contract Approval

A. Contract. The secretary shall determine the terms and conditions of the contract, including performance obligations.

B. Approval

1. The secretary may request approval of the contract by the Joint Legislative Committee on the Budget upon determining that:

- a. the business meets all eligibility requirements;
- b. participation in the program is needed in a highly competitive site selection situation to encourage the business to locate the project in the state; and
- c. securing the project will result in significant positive economic benefit to the state.

2. The Joint Legislative Committee on the Budget may approve the contract for the business’ participation in the program for an initial term of up to 20 years, renewable at the discretion of the secretary for up to an additional 20 years.

3. Upon approval of the contract, LED shall submit a copy of the contract to the Louisiana Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:4401.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2739 (November 2012).

##### §4107. Contract Renewal

A. Upon application by a qualified business, and LED’s determination that the business continues to meet eligibility requirements and contract performance obligations, the secretary may renew the contract for an additional period of up to 20 years. LED shall submit a copy of the renewal to the Louisiana Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:4401.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2739 (November 2012).

##### §4109. Annual Certification of Eligibility

A. The qualified business must submit certification (signed by a key employee of the business) that it continues to meet all eligibility requirements of the program as well as all performance obligations of the contract by September 1 of each year unless the contract designates another reporting deadline. A company’s failure to submit the annual certification of eligibility by the deadline provided for in this section shall result in the forfeiture of benefits for the previous tax year and the secretary, in his discretion, may

terminate the contract. LED may require an audit of any annual certification at the expense of the qualified business.

B. The qualified business may not file its Louisiana corporate income and franchise tax return utilizing the single sales factor for apportionment purposes until the annual certification of eligibility has been submitted to and verified by LED. Upon verification, LED shall notify the Louisiana Department of Revenue that the business remains eligible to use the single sales factor for apportionment purposes on its Louisiana corporate income and franchise tax return.

C. If a business fails to maintain the eligibility requirements for participation in the program or fails to meet the performance objectives in the contract, the department may suspend or terminate the contract. Upon suspension or termination of the contract, department will notify the Louisiana Department of Revenue that the business is not qualified to utilize the single sales factor for apportionment purposes for the tax year or years in question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:4401.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2739 (November 2012).

#### **§4111. Severability**

A. If any Section or provision of this Chapter is held invalid, such invalidity shall not affect other provisions of this Chapter. Any provision of this Chapter that is in conflict with R.S. 51:4401 or any other statute will be invalid and will be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 38:2740 (November 2012).

Anne G. Villa  
Undersecretary

1211#077

#### **RULE**

#### **Department of Economic Development Office of Business Development**

Quality Jobs Program (LAC 13:I.1129)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby repeals Section 1129 of the Quality Jobs Program.

The purpose of the promulgation of this Rule is to address an error in the application deadline listed. Whereas R.S. 51:2461 specifies January 1, 2018 as an application deadline, program rules have failed to incorporate recent statutory extensions and continue to list in error January 1, 2012 as the application deadline.

#### **Title 13**

#### **ECONOMIC DEVELOPMENT**

#### **Part I. Financial Incentive Programs**

#### **Chapter 11. Quality Jobs Program**

#### **§1129. Termination of Program**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2312 (November 2003), amended by the Office of Business Development, LR 37:2595 (September 2011), repealed LR 38:2740 (November 2012).

Anne G. Villa  
Undersecretary

1211#076

#### **RULE**

#### **Department of Economic Development Office of the Secretary**

Small Entrepreneurship Certification Program  
(Hudson Initiative) (LAC 19:VIII.Chapter 3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:2006 and R.S. 51:931, the Department of Economic Development amends the rules for the Small Entrepreneurship Certification Program (Hudson Initiative).

#### **Title 19**

#### **CORPORATIONS AND BUSINESSES**

#### **Part VIII. Small Entrepreneurship (Hudson Initiative) Certification Program**

#### **Subpart 1. Certification Program**

#### **Chapter 3. Certification**

#### **§301. Eligibility Requirements for Certification**

A. A small entrepreneurship (SE) is a firm independently owned and operated; not dominant in its field of operations, which shall be determined by consideration of the business' number of employees, volume of business, financial resources, competitive status, and ownership or control of materials, processes, patents, license agreements, facilities, and sales territory; is owned by and has officers who are citizens or legal residents of the United States, all of whom are domiciled in Louisiana, and who maintain the principal business office in Louisiana; and together with its affiliate entities, has fewer than 50 full-time employees with average annual gross receipts not exceeding \$10,000,000 per year for construction operations and \$5,000,000 per year for non-construction operations, for each of the previous three tax years. Eligibility requirements include meeting all of the criteria specified in R.S. 39:2006(A), as it may be amended from time to time. In order to participate and continue to participate in the program, an individual or firm must meet and continue to meet all such eligibility requirements or criteria.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:230 (February 2006), amended LR 38:2740 (November 2012).

#### **§307. Duration of Certification; Graduation through Growth**

A. The amount of time that a firm may be granted certification by the SE (HI) Certification Program is unlimited until the firm graduates by growing to exceed the

eligibility requirements for certification, or is terminated from the program by LED.

B. Retention of the firm in the program depends upon the passing of time, the firm's growth and progress toward successfulness and the attainment of its business goals, its compliance with all reporting requirements, willingness and ability to cooperate with and follow through on recommendations of the SE (HI) Certification Program designee or staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006), amended LR 38:2740 (November 2012).

**§309. Verification of Eligibility; Annual Reports; Evaluation**

A. ...

B. Annual Reports. By letter, or on forms which may be identified or prescribed by the SE (HI) Certification Program, or its designee or staff, certified businesses shall continue to report annually and at times specified by the SE (HI) Certification Program, or its designee or staff, their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required annually or as otherwise requested by the SE (HI) Certification Program, or its designee or staff, shall result in the business' termination of its SE certification and from the program.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006), amended LR 38:2741 (November 2012).

Jason El Koubi  
Assistant Secretary

1211#074

**RULE**

**Department of Economic Development  
Office of the Secretary**

**The Veteran Initiative—Certification  
(LAC 19:IX.Chapter 3)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:2006 and R.S. 39:2171, the Department of Economic Development hereby amends the rules for the Small Entrepreneurship Certification Program (Veterans Initiative).

**Title 19  
CORPORATIONS AND BUSINESSES  
Part IX. The Veteran Initiative**

**Chapter 3. Certification**

**§301. Eligibility Requirements for Certification**

A. Eligibility. An applicant for certification must meet two sets of requirements:

1. an applicant must establish that it is a "service-connected veteran-owned small entrepreneurship" (SDVSE) or a "veteran-owned small entrepreneurship" (VSE), by providing appropriate documentation from the United States Department of Veterans Affairs or the Louisiana Department of Veterans Affairs; and

2. shall meet all the requirements for a small entrepreneurship (SE):

a. independently owned and operated;

b. not dominant in its field of operation, which shall be determined by consideration of the business's number of employees, volume of business, financial resources, competitive status, and ownership or control of materials, processes, patents, license agreements, facilities, and sales territory; and

c. together with any of its affiliates, has fewer than 50 full-time employees with average annual gross receipts not exceeding \$10,000,000 per year for construction operations and \$5,000,000 per year for non-construction operations, for each of the previous three tax years.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:472 (March 2010), amended LR 38:2741 (November 2012).

**§307. Duration of Certification; Graduation through Growth**

A. The amount of time that a firm may be granted certification by the SE (VI) Certification Program is unlimited until the firm graduates by growing to exceed the eligibility requirements for certification or is terminated from the program by LED.

B. Retention of the firm in the program depends upon the passing of time, the firm's growth and progress toward successfulness and the attainment of its business goals, its compliance with all reporting requirements, willingness and ability to cooperate with and follow through on recommendations of the SE (VI) Certification Program designee or staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:473 (March 2010), amended LR 38:2741 (November 2012).

**§309. Verification of Eligibility; Annual Reports; Evaluation**

A. ...

B. Annual Reports. By letter, or on forms which may be identified or prescribed by the SE (VI) Certification Program, or its designee or staff, certified businesses shall continue to report annually and at times specified by the SE (VI) Certification Program, or its designee or staff, their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required annually or as otherwise requested by the SE (HV) Certification Program, or its designee or staff, shall result in the business' termination of its SE certification and from the program.

C. - D. ...



AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:473 (March 2010), amended LR 38:2741 (November 2012).

Jason El Koubi  
Assistant Secretary

1211#073

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

**Addition to List of Exempted Compounds  
(LAC 33:III.2117)(AQ335ft)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2117.A (AQ335ft).

This Rule is identical to federal regulations found in 40 CFR 51.100, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule is promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule adds trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) to the list of compounds exempt from the control requirements of LAC 33:III.Chapter 21.

On June 22, 2012, EPA amended its definition of volatile organic compound (VOC) at 40 CFR 51.100(s) to exclude trans-1,3,3,3-tetrafluoropropene (HFO-1234ze). EPA has found that this compound "makes a negligible contribution to tropospheric ozone formation."

The basis and rationale for this Rule are to exempt trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) from being regulated as a VOC under Chapter 21 per amendment by EPA.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 21. Control of Emission of Organic  
Compounds**

**Subchapter A. General**

**§2117. Exemptions**

A. The compounds listed in the following table are exempt from the control requirements of this Chapter.

Exempt Compounds
* * *
[See Prior Text in acetone - trifluoromethane (HFC-23)]
trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 25:258 (February 1999), amended by the Office of Environmental Assessment, LR 31:1062 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 35:924 (May 2009), amended by the Office of the Secretary, Legal Division, LR 38:2742 (November 2012).

Herman Robinson, CPM  
Executive Counsel

1211#021

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

**Comprehensive Toxic Air Pollutant Emission  
Control Program (LAC 33:III.5101, 5103,  
5107, 5109, 5113 and 5151)(AQ332)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.5101, 5103, 5107, 5109, 5113 and 5151 (AQ332).

This rulemaking modifies LAC 33:III.Chapter 51 to reflect the statutory changes enacted by Act 103 (HB 1169) of the 2010 Regular Session of the Louisiana Legislature. LAC 33:III.5109.A.2 currently specifies that compliance with an applicable federal standard promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Part 63 constitutes compliance with the maximum achievable control technology (MACT) requirements for toxic air pollutants (TAPs).

Act 103 states that compliance with an applicable federal standard promulgated by EPA in 40 CFR Part 61 or 63 constitutes compliance with the entire Comprehensive Toxic Air Pollutant Emission Control Program under Subchapter A of Chapter 51, except for:

- the annual emissions reporting requirements of LAC 33:III.5107.A;
- the ambient air standard requirements of LAC 33:III.5109.B; and
- applicable air toxics permit application fees and air toxics annual emissions fees provided by LAC 33:III.Chapter 2.

Act 103 also specifies that ambient air standards shall not apply to:

- roads, railroads, or water bodies where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated; or
- industrial properties adjacent to or impacted by emissions from a major source, provided the owner

or operator of the major source demonstrates that worker protection standards enacted pursuant to the federal Occupational Safety and Health Act as permissible exposure limits are not exceeded on the impacted property because of TAP emissions from the major source.

Finally, this rulemaking eliminates the redundant discharge reporting requirements of LAC 33:III.5107.B.2 and 5; delete the definition of *capital expenditure* from LAC 33:III.5103.A, as this term is not used in Chapter 51; and delete the reference to LAC 33:III.5109.E from LAC 33:III.5151.F.1.e, as this Subsection was deleted in December 2007 (LR 33:2622).

House Bill No. 1169 (Act 103) of the 2010 Regular Session was signed by Governor Jindal on June 1, 2010. The Act, which became effective on August 15, 2010, enacted R.S. 30:2060(O). R.S. 30:2060(O)(5) directs LDEQ to adopt rules, in accordance with the Administrative Procedures Act, R.S. 49:950 et seq., to implement the requirements of R.S. 30:2060(O).

The basis and rationale for this Rule is to modify LAC 33:III.Chapter 51 as directed by Act 103 of the 2010 Regular Session of the Louisiana Legislature.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant  
Emission Control Program**  
**Subchapter A. Applicability, Definitions, and General  
Provisions**

**§5101. Applicability**

A. - C. ...

D. Notwithstanding the provisions of Subsections A and B of this Section and except as provided below, the requirements of this Subchapter do not apply to an *affected source*, as defined in LAC 33:III.5103.A, that is subject to a national emission standard for hazardous air pollutants promulgated by the U.S. Environmental Protection Agency in 40 CFR Part 61 or 63.

1. Affected sources shall be subject to:

- a. the annual emissions reporting requirements of LAC 33:III.5107.A;
- b. the ambient air standard requirements of LAC 33:III.5109.B; and
- c. applicable air toxics permit application fees and air toxics annual emissions fees provided by LAC 33:III.Chapter 2.

2. If an affected source emits a toxic air pollutant not listed in section 112(b) of the federal Clean Air Act above the minimum emission rate established for that pollutant by LAC 33:III.5112, Table 51.1, the affected source shall be subject to the requirements of this Subchapter for that pollutant. The department may determine that compliance with an applicable standard meets the requirements of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:56 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), amended by the Office of the Secretary, Legal Division, LR 38:2743 (November 2012).

**§5103. Definitions, Units, and Abbreviations**

A. The terms in this Subchapter are used as defined in LAC 33:III.111 except for those terms defined herein as follows.

*Affected Source*—the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the federal Clean Air Act. *Affected source* may be further defined by the relevant standard.

\* \* \*

*Capital Expenditure*—Repealed.

\* \* \*

B. - B.4. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:57 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2621 (December 2007), amended by the Office of the Secretary, Legal Division, LR 38:2743 (November 2012).

**§5107. Reporting Requirements, Availability of  
Information, and Public Notice Provisions**

A. - A.2. ...

B. Discharge Reporting Requirements

1. Emergency Conditions. For any discharge of a toxic air pollutant into the atmosphere that results or threatens to result in an *emergency condition* as defined in LAC 33:I.3905.A, the owner or operator of the source shall notify the Department of Public Safety 24-hour Louisiana Emergency Hazardous Materials Hotline in accordance with LAC 33:I.3915.A.

2. Nonemergency Conditions. Except as provided in Paragraph B.4 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to SPOC in the manner provided in LAC 33:I.3923.

3. Written Reports. For every such discharge or equipment bypass as referred to in Paragraphs B.1 and 2 of this Section, the owner or operator shall submit to SPOC a written report by certified mail within seven calendar days of learning of the discharge.

a. The report shall contain the following information:

- i. the identity of the source;
- ii. the date and time of the discharge;
- iii. the cause of the discharge;
- iv. the approximate total loss during the discharge;

- v. the method used for determining the loss;
- vi. any action taken to prevent the discharge;
- vii. the action taken to minimize the discharge; and
- viii. the measures adopted to prevent future discharges.

b. If written notification of the discharge or bypass is required to be submitted pursuant to LAC 33:I.3925, such notification shall fulfill the obligation to submit a written report under this Paragraph.

4. Leaks detected pursuant to specific leak detection and elimination requirements of any Subchapter of this Chapter shall be recorded and/or reported as required in that Subchapter and shall not be subject to Paragraphs B.2 and 3 of this Section.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:2093 (October 2007), LR 33:2622 (December 2007), LR 37:3232 (November 2011), amended by the Office of the Secretary, Legal Division, LR 38:2743 (November 2012).

**§5109. Emission Control and Reduction Requirements and Standards**

**A. Maximum Achievable Control Technology (MACT) Requirements**

1. ...

2. MACT determinations for sources not regulated by a federal MACT standard shall be determined by the administrative authority through the permitting process using the existing state MACT determination method or protocol.

B. Ambient Air Standard Requirements. The owner or operator of any major source that emits, or is permitted to emit, any toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that toxic air pollutant shall determine the status of compliance, beyond the source's property line, with applicable ambient air standards listed in LAC 33:III.5112, Table 51.2 (see LAC 33:III.5105.A.2).

1. Ambient air standards shall not apply to roads, railroads, water bodies, or other areas where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated.

2. Ambient air standards shall not apply to industrial properties adjacent to or impacted by emissions from a major source, provided the owner or operator of the major source demonstrates that worker protection standards enacted pursuant to the federal Occupational Safety and Health Act as permissible exposure limits will not be exceeded on the impacted property due to toxic air pollutant emissions from the major source.

3. New major sources shall demonstrate compliance with an ambient air standard in an application for a permit in accordance with LAC 33:III.5111.

4. The owner or operator shall achieve compliance with the ambient air standard unless the owner or operator demonstrates to the satisfaction of the administrative authority:

a. that compliance with an ambient air standard would be economically infeasible;

b. that the source's emissions could not reasonably be expected to pose a threat to public health or the environment; and

c. that the source's emissions would be controlled to a level that is maximum achievable control technology.

5. The administrative authority shall publish a public notice of and hold a public hearing on any preliminary determination to allow a source to exceed the ambient air standard for any toxic air pollutant listed in LAC 33:III.5112, Table 51.2. Within 90 days after the close of the public hearing on the preliminary determination, the administrative authority shall make a final determination, which is subject to review on a five-year basis or at any other time deemed appropriate by the administrative authority.

6. The administrative authority shall periodically, at least every 36 months, review and update the ambient air standards listed for each toxic air pollutant in LAC 33:III.5112, Table 51.2.

**C. Standard Operating Procedure Requirements**

1. The requirements of this Subsection do not apply to emissions of any of those pollutants listed in LAC 33:III.5112, Table 51.3.

C.2. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), LR 23:59 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2623 (December 2007), amended by the Office of the Secretary, Legal Division, LR 38:2744 (November 2012).

**§5113. Notification of Start-Up, Testing, and Monitoring**

A. - C.4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental Services for approval a plan describing the affected emission units and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2744 (November 2012).

#### **Subchapter M. Asbestos**

#### **§5151. Emission Standard for Asbestos**

A. - F.1.d.ii. ...

e. Owners or operators of demolition and renovation operations are exempt from the requirements of LAC 33:III.5105.A, 5111.A, and 5113.A.

F.1.f. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2745 (November 2012).

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Executive Counsel

1211#016

#### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Division**

EPA Notice (LAC 33:III.533)(AQ334)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.533 (AQ334).

This Rule will revise LDEQ's "EPA Notice" provisions in LAC 33:III.533 to make them consistent with the Clean Air Act and 40 CFR Part 70.

Both the Clean Air Act (CAA) and 40 CFR Part 70 require a permitting authority to notify the Environmental Protection Agency (EPA) and an affected state of any refusal to accept all recommendations for a proposed permit that the affected state submits. See CAA §505(a)(2) and 40 CFR 70.8(b)(2). These provisions are addressed by LAC 33:III.531.B.1.c, which reads as follows:

The permitting authority shall provide prompt notice in writing to the administrator and to any affected state of refusal by the permitting authority to accept any recommendations for the permit that the affected state submitted. The notice shall include the permitting authority's

reasons for refusing any such recommendation. The permitting authority may refuse to accept any recommendations that are not based on federally applicable requirements.

A second provision, LAC 33:III.533.B.2, also addresses CAA §505(a)(2) and 40 CFR 70.8(b)(2).

The permitting authority shall promptly provide to EPA notice of any intended changes to a proposed permit resulting from consideration of public comment or affected state comment. Prompt notice shall also be provided of any refusal by the permitting authority to accept all recommendations for the proposed permit that any affected state submitted during the affected state review period, together with reason for such refusal.

Because the second portion of LAC 33:III.533.B.2 is addressed by LAC 33:III.531.B.1.c, and because neither the CAA nor Part 70 requires a permitting authority to "promptly provide to EPA notice of any intended changes to a proposed permit resulting from consideration of public comment or affected state comment," LAC 33:III.533.B.2 will be repealed.

The basis and rationale for this Rule are to make LAC 33:III.533 consistent with the Clean Air Act and 40 CFR Part 70.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

#### **Title 33**

#### **ENVIRONMENTAL QUALITY**

#### **Part III. Air**

#### **Chapter 5. Permit Procedures**

#### **§533. EPA Notice, Review, and Objection**

A. - B.2. ...

3. A copy of each final permit issued to a major Part 70 source shall be provided to EPA by the permitting authority.

4. The permitting authority shall keep for five years such records and submit to EPA such information as the administrator may reasonably require to ascertain whether the state program complies with the requirements of the Federal CAA and 40 CFR Part 70.

C. EPA Review

1. No permit pertaining to a major Part 70 source which is an initial permit under LAC 33:III.507 or a permit revision, renewal, or reopening affecting the federal conditions of the existing permit shall be issued if the administrator objects to its issuance within 45 days of receipt of the notice and information provided pursuant to Paragraph B.2 of this Section and LAC 33:III.531.B.1.c.

C.2. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1376 (December 1994), amended by the Office of the Secretary, Legal Division, LR 38:2745 (November 2012).

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Executive Counsel

1211#018

## RULE

### Department of Environmental Quality Office of the Secretary Legal Division

#### Exemptions from Licensing, General Licenses and Distribution of Byproduct Material Licensing and Reporting Requirements (LAC 33:XV.304 and 328)(RP052ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.304 and 328 (RP052ft).

This Rule is identical to federal regulations found in 10 CFR 30, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state regulations to be compatible with the changes in the federal regulations. This Rule addresses exemptions from licensing, general licenses and licensing and reporting for the distribution of byproduct material. The changes in the state regulations are federal category B and C requirements for the state of Louisiana to remain an NRC Agreement State.

The basis and rationale for this Rule is to mirror the federal regulations and maintain an adequate Agreement State Program.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### Title 33

### ENVIRONMENTAL QUALITY

#### Part XV. Radiation Protection

#### Chapter 3. Licensing of Radioactive Material

##### Subchapter A. Exemptions

#### §304. Radioactive Material Other Than Source Material

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

c. Precision balances containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part manufactured before December 17, 2007.

d. ...

e. Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas manufactured before December 17, 2007.

1.f. - 3.c. ...

4. Capsules Containing Carbon-14 Urea for "In Vivo" Diagnostic Use for Humans

a. Except as provided in Subparagraphs C.4.b and c of this Section, any person is exempt from the requirements for a license set forth in these regulations provided that such person receives, possesses, uses, transfers, owns, or acquires

capsules containing 37 kBq (1 $\mu$ Ci) carbon-14 urea each (allowing for nominal variation that may occur during the manufacturing process), for "in vivo" diagnostic use for humans.

b. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license in accordance with LAC 33:XV.Chapters 3 and 7.

c. Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license in accordance with LAC 33:XV.328.K.

d. Nothing in this Section relieves persons from complying with applicable FDA, other federal, and state requirements governing receipt, administration, and use of drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1226 (August 2001), amended by the Office of the Secretary, Legal Division, LR 38:2746 (November 2012).

#### Subchapter D. Specific Licenses

#### §328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. - J.4. ...

K. License Requirements for the Manufacture, Preparation, or Transfer for Commercial Distribution of Capsules Containing Carbon-14 Urea for "In Vivo" Diagnostic Use in Humans

1. An application for a specific license to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution capsules containing 37 kBq (1 $\mu$ Ci) carbon-14 urea each (allowing for nominal variation that may occur during the manufacturing process) for "in vivo" diagnostic use, to persons exempt from licensing under LAC 33:XV.304.C.4 will be approved if:

K.1.a. - M.4.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2746 (November 2012).

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1211#022

**RULE**  
**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Division**

Incorporation by Reference Update  
(LAC 33:IX.4901 and 4903)(WQ086ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.4901 and 4903 (WQ086ft).

This Rule is identical to federal regulations found in 40 CFR 136, 401 and 405-471 along with 40 CFR 136, 260, 423, 430 and 435 and additionally 40 CFR 450, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule changes the reference dates to 40 CFR Part 136 and 40 CFR Chapter I, Subchapter N, Parts 401, 405-471 in the LAC 33:IX, Chapter 49 from July 1, 2009 to July 1, 2012.

LAC 33:IX, Chapter 49 incorporates the following portions of federal regulations into the Louisiana water quality regulations:

1. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2009, in its entirety; and

2. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, parts 401 and 405-471, July 1, 2009.

The following updates to federal regulations have occurred that necessitate updating the referenced date:

1. 40 CFR Parts 136, 260, 423, 430, and 435: Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act, Analysis and Sampling Procedures, *Federal Register*/Vol. 77, No. 97/May 18, 2012/Rules and Regulations; and

2. 40 CFR Part 450: Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category, *Federal Register*/Vol. 74, No. 229/December 1, 2009 (Note: A portion of this Rule was stayed in *Federal Register*/Vol. 75, No. 214/November 5, 2010/Rules and Regulations).

This action will incorporate the recently updated federal regulations into Louisiana's water quality regulations, increasing the enforceability of LPDES permits that include EPA-approved analytical methods and effluent limitations guidelines. The published edition of the 40 CFR is regularly updated on July 1 of every calendar year; therefore, this Rule will incorporate the date of July 1, 2012 in anticipation of the most recent publication, which will include the above referenced Rules.

The basis and rationale for this Rule are to mirror the federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part IX. Water Quality**  
**Subpart 1. Water Pollution Control**  
**Chapter 49. Incorporation by Reference**

**§4901. 40 CFR Part 136**

A. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2012, in its entirety, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2747 (November 2012).

**§4903. 40 CFR, Chapter I, Subchapter N**

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405 471, July 1, 2012, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:654 (April 2009), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2747 (November 2012).

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Executive Counsel

1211#023

**RULE**  
**Department of Environmental Quality**  
**Office of the Secretary**  
**Legal Division**

Medical Use of Byproduct Material—Authorized User  
Clarification (LAC 33:XV.763 and 1599)(RP054ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.763 and 1599 (RP054ft).

This Rule is identical to federal regulations found in 10 CFR 35 and 71, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule is promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state regulations to be compatible with changes in the federal regulations. This Rule clarifies the training requirements for radiation safety officers, authorized medical physicists, authorized users and authorized nuclear pharmacists. This Rule also updates an incorporation by reference to remain compatible with 10 CFR Part 71. The changes in the state regulations are category B and C requirements for the state of Louisiana to remain a Nuclear Regulatory Commission (NRC) Agreement State.

The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate NRC Agreement State Program.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part XV. Radiation Protection**

#### **Chapter 7. Use of Radionuclides in the Healing Arts**

##### **§763. Training**

A. - B.6. ...

7. Individuals who need not comply with training requirements as described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorizations on Agreement State or NRC licenses for the same uses for which these individuals are authorized.

C. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012).

#### **Chapter 15. Transportation of Radioactive Material**

##### **§1599. Appendix—Incorporation by Reference of 10 CFR Part 71, Appendix A, Tables A-1, A-2, A-3, and A-4; Procedures for Determining A<sub>1</sub> and A<sub>2</sub> [Formerly §1517]**

A. Tables A-1, A-2, A-3, and A-4 in 10 CFR Part 71, Appendix A, June 13, 2012, are hereby incorporated by reference. These tables are used to determine the values of A<sub>1</sub> and A<sub>2</sub>, as described in Subsections B-F of this Section.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 34:2114 (October 2008), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012).

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Executive Counsel

1211#025

### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Division**

Occupational Dose Records, Labeling Containers  
and the Total Effective Dose Equivalent  
(LAC 33:XV.102)(RP053ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.102 (RP053ft).

This Rule is identical to federal regulations found in 10 CFR 20, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state regulations to be compatible with changes in the federal regulations. This Rule addresses a revision to the definition of total effective dose equivalent. The changes in the state regulations are federal category B and C requirements for the state of Louisiana to remain an NRC Agreement State. The basis and rationale for this Rule is to mirror the federal regulations and maintain an adequate Agreement State program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part XV. Radiation Protection**

#### **Chapter 1. General Provisions**

##### **§102. Definitions and Abbreviations**

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain Chapter may be found in that Chapter.

\*\*\*

*Total Effective Dose Equivalent (TEDE)*—the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006), LR 33:1016 (June 2007), LR 33:2175 (October 2007), LR 34:982 (June 2008), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012).

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Executive Counsel

1211#024

## RULE

### Department of Environmental Quality Office of the Secretary Legal Division

Office of Environmental Assessment References  
(LAC 33:I.1203, 4701-4705, 4711, and 5707;  
III.523, 537, 1410, 2103, 2107, 2108, 2121, 2122,  
2132, 2153, 2159, 2301, 2303, 2511, 2521, 2531, 3003,  
5113, 5307, and 5311; V.1907, 2271, 2273, and 4999;  
VI.103, 403, 501, 502, 505-509, 515, 521, 607, 705,  
711, 801, 803, 911, and 913; IX.7313; and XI.301,  
303, 507, 701, 703, 715, 903-907, 1111, 1113, 1123,  
1129, 1131, 1139, 1305, and 1309)(MM015)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Environmental Quality regulations, LAC 33:I, III, V, VI, IX, and XI (MM015).

This Rule will amend references to the Office of Environmental Assessment. In Act 48 of the 2010 Louisiana Legislative Regular Session, the Office of Environmental Assessment was eliminated. To meet this requirement, this Rule will remove references to the Office of Environmental Assessment and replace the references with either the Office of Environmental Services, Office of Management and Finance or the Office of Environmental Compliance.

The basis and rationale for this Rule is to promulgate regulations which meet the requirements of Act 48 of the 2010 Louisiana Legislative Regular Session.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

## Title 33

### ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

#### Subpart 1. Departmental Administrative Procedures Chapter 12. Requests for Review of Environmental Conditions

##### §1203. Procedure for Submittal of Request

A. - B.10. ...

C. An applicant shall submit the request for review, in accordance with the requirements of Subsection B of this Section, in triplicate, with the initial minimum fee in Subsection A of this Section, to the administrator of the Office of Environmental Compliance.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:2178 (October 2009), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012).

#### Subpart 3. Laboratory Accreditation

#### Chapter 47. Program Requirements

##### §4701. Accreditation Process

A. The department accreditation process comprises four basic steps:

1. the submittal to the Office of Environmental Services of a written request from the laboratory in the form of an application provided by the department, along with payment of all applicable fees;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012).

##### §4703. Application for Accreditation

A. ...

B. An application for environmental laboratory accreditation shall be made in writing to the Office of Environmental Services. This application shall provide all requested information and be accompanied by the appropriate application fee. Information will include at least one satisfactory round of the most recent department-specified proficiency evaluation test results or an analytical data package for test categories where no accessible proficiency tests exist. Supplemental information may be required.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment,



Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012).

**§4705. Categories of Accreditation**

A. At the time of application each applicant must clearly identify both the fields of testing and the test categories for which accreditation is sought. A copy of the relevant test method documentation and the requisite equipment for the method must be available at the laboratory. A current list of approved methodologies for each parameter/analyte will be maintained by the Office of Environmental Services, and a copy of the list will become a part of the application package. In cases where the methodology used by the laboratory is not listed, the laboratory shall submit documentation that will verify that the results obtained from the method in use are equal to or better than those results obtained from the approved methodology. The department will review the data submitted by the laboratory and will notify the laboratory in writing within 60 calendar days if the method is acceptable or unacceptable as an alternate method of analysis.

B. - B.11. ...

C. An accredited laboratory may request the addition of field(s) of testing and test category(ies) to its scope of accreditation at any time. Such a request must be submitted in writing to the Office of Environmental Services. Unless the previous on-site inspection can verify the competence of the laboratory to perform the additional tests, another on-site inspection may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012).

**§4711. Proficiency Testing Participation**

A. - E. ...

F. Each participating laboratory shall authorize the proficiency test provider to release the results of the proficiency evaluation (PE) test to the Office of Environmental Services at the same time that they are submitted to the laboratory. Every laboratory that receives test results that are "unacceptable" for a specific analyte must investigate and identify likely causes for these results, resolve any problems, and report such activity to the Office of Environmental Services, along with the submittal of corrective action proficiency sample test results. The laboratory shall report only the analytes for which corrective action was required.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:1436 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012).

**Chapter 57. Maintenance of Accreditation**

**§5707. Changes in Laboratory Operation**

A. Changes in laboratory name, ownership, location, personnel, facilities, methodology, or any factors significantly affecting the performance of analyses for which the laboratory was originally accredited shall be reported to the Office of Environmental Services within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:933 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012).

**Part III. Air**

**Chapter 5. Permit Procedures**

**§523. Procedures for Incorporating Test Results**

A. - B.2. ...

3. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008), LR 37:1146 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012).

**§537. Louisiana General Conditions**

A. The Louisiana General Conditions listed in the table in this Section (numbered as historically designated in a permit) apply to each source that requires an air permit according to LAC 33:III.501 upon issuance of the initial air permit for the source and shall continue to apply until such time as the permit is terminated or rescinded. These Louisiana general conditions shall supersede any previous versions of such conditions contained in air permits.

<b>Table 1</b>	
<b>Louisiana Air Emission Permit General Conditions</b>	
[See Prior Text in I - VI]	
* * *	
VII.	Any emissions testing performed for purposes of demonstrating compliance with the limitations set forth in Louisiana General Condition III shall be conducted in accordance with the methods described in the Specific Requirements of the permit. Any deviation from or modification of the methods used for testing shall have prior approval from the Office of Environmental Services.
VIII.	The emission testing described in Louisiana General Condition VII, or established in the Specific Requirements of the permit, shall be conducted within 60 days after achieving normal production rate or after the end of the shakedown period, but in no event later than 180 days after initial start-up (or restart-up after modification). The Office of Environmental Services shall be notified at least 30 days prior to testing and shall be given the opportunity to conduct a pretest meeting and observe the emission

<b>Table 1</b> <b>Louisiana Air Emission Permit General Conditions</b>
testing. The test results shall be submitted to the Office of Environmental Services within 60 days after the completion of testing. As required by LAC 33:III.913, the permittee shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities as are necessary for proper determination of the emission limits.
[See Prior Text in IX - XX] ***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:660 (April 2009), amended LR 37:1146 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012).

## **Chapter 14. Conformity**

### **Subchapter A. Determining Conformity of General Federal Actions to State or Federal Implementation Plans**

#### **§1410. Criteria for Determining Conformity of General Federal Actions**

A. - A.5.a. ...

i. the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the department to result in a level of emissions that, together with all other emissions in the nonattainment or maintenance area, would not exceed the emissions budgets specified in the applicable SIP. As a matter of policy, should the department make such determination or commitment, the federal agency must provide to the Office of Environmental Services information on all known projects or other actions that may affect air quality or emissions in any area to which this rule is applicable, regardless of whether such project or action is determined to be subject to this rule under LAC 33:III.1405. The department may charge the federal agency requesting such determination a reasonable fee based on the number of manhours required to perform and document the determination; or

A.5.a.ii. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1274 (November 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 33:2084 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012).

## **Chapter 21. Control of Emission of Organic Compounds**

### **Subchapter A. General**

#### **§2103. Storage of Volatile Organic Compounds**

A. - D.4. ...

a. Controls for non-slotted guide poles and stilling wells shall include pole wiper and gasketing between the well and sliding cover. Controls for slotted guide poles shall include a float with wiper, pole wiper, and gasketing between the well and sliding cover. The description of the method of control and supporting calculations based upon the Addendum to American Petroleum Institute Publication Number 2517, Evaporative Loss from External Floating

Roof Tanks, (dated May 1994) shall be submitted to the Office of Environmental Services for approval prior to installation.

D.4.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012).

#### **§2107. Volatile Organic Compounds—Loading**

A. - E.1.e. ...

2. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

3. Within 60 days of test completion, a copy of the test results shall be submitted to the Office of Environmental Services for review and approval.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:116 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 17:360 (April 1991), LR 22:1212 (December 1996), LR 24:20 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1442 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012).

#### **§2108. Marine Vapor Recovery**

A. - E.5. ...

6. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with Subsection E of this Section shall be reported to the Office of Environmental Services within 60 days of the test.

F.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality

Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:2085 (October 2007), LR 34:1903 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012).

#### **§2121. Fugitive Emission Control**

A. - E.3. ...

F. Reporting Requirements. The operator of the affected facility shall submit to the Office of Environmental Services a report semiannually containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

F.1. - G. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012).

#### **§2122. Fugitive Emission Control for Ozone**

##### **Nonattainment Areas and Specified Parishes**

A. - F.3. ...

G. Reporting Requirements. The operator of the affected facility shall submit a report semiannually to the Office of Environmental Services containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

I. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012).

#### **Subchapter F. Gasoline Handling**

#### **§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities**

A. - B.5. ...

6. The regulated facility shall submit the following application information to the Office of Environmental Compliance prior to installation of the Stage II Vapor Recovery System:

6.a. - 8. ...

9. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the Office of Environmental Compliance within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. - D. ...

1. The owner/operator of the facility shall have the installed vapor recovery equipment tested prior to the start-up of the facility. The owner or operator shall notify the Office of Environmental Compliance at least five calendar days in advance of the scheduled date of testing. Testing must be performed by a contractor that is certified with the Department of Environmental Quality. Compliance with the emission specification for Stage II equipment shall be demonstrated by passing the following required tests or equivalent for each type of system:

1.a. - 2....

3. The department reserves the right to confirm the results of the aforementioned testing at its discretion and at any time. Within 30 days after installation or major system modification of a vapor recovery system, the owner or operator of the facility shall submit to the Office of Environmental Compliance the date of completion of the installation or major system modification of a vapor recovery system and the results of all functional testing requirements.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012).

#### **Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions from Industrial Wastewater**

#### **§2153. Limiting VOC Emissions from Industrial Wastewater**

A. - G.4.a. ...

b. in order to maintain exemption status under this Subsection, the owner or operator shall submit an annual report no later than March 31 of each year, starting in 1997,

to the Office of Environmental Compliance that demonstrates that the overall control of VOC emissions at the affected source category from which wastewater is generated during the preceding calendar year is at least 90 percent less than the 1990 baseline emissions inventory. At a minimum, the report shall include the EPN; the PIN; the throughput of wastewater from affected source categories; a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 baseline emissions inventory; and

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions, unless the owner or operator of the wastewater component submits a revised control plan to the Office of Environmental Services within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from wastewater at the affected source categories continues to be at least 90 percent less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory.

5. ...

a. each request for an exemption determination shall be submitted to the Office of Environmental Services. Each request shall demonstrate that the overall control of VOC emissions from wastewater at the affected source categories will be at least 80 percent less than the 1990 baseline emissions inventory. The request shall include the applicable EPN; the PIN; the calendar year throughput of wastewater from affected source categories; the VOC emission rates; and a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory;

b. ...

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the wastewater component submits a revised control plan to the Office of Environmental Services within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the plant from wastewater affected source categories continues to be at least 80 percent less than the 1990 baseline emissions inventory.

G.6. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998),

LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:747 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2087 (October 2007), LR 37:3232 (November 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012).

#### **Subchapter N. Method 43—Capture Efficiency Test Procedures**

Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).

#### **§2159. Recordkeeping and Reporting**

A. All affected facilities must maintain a copy of the capture efficiency protocol on file. All results of appropriate test methods and CE protocols must be reported to the Office of Environmental Services within 60 days of the test date. A copy of the results must be kept on file with the source.

B. If any changes are made to capture or control equipment, the source is required to notify the Office of Environmental Services of these changes and a new test may be required.

C. The source must notify the Office of Environmental Services 30 days prior to performing any capture efficiency and/or control efficiency tests.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), LR 27:1224 (August 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2087 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2753 (November 2012).

#### **Chapter 23. Control of Emissions for Specific Industries<sup>1</sup>**

<sup>1</sup>Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

#### **Subchapter A. Chemical Woodpulping Industry** **§2301. Control of Emissions from the Chemical Woodpulping Industry**

A. - D.4.a. ...

b. Compliance. Owners or operators shall conduct source tests of recovery furnaces pursuant to the provisions in LAC 33:III.1503.D, Table 4, to confirm particulate emissions are less than that specified in Paragraph D.1 of this Section. The results shall be submitted to the Office of Environmental Services as specified in LAC 33:III.919 and 918. The testing should be conducted as follows:

D.4.b.i. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 32:1841 (October 2006), LR 33:2088 (October 2007), LR 34:1892 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2753 (November 2012).

## **Subchapter B. Aluminum Plants**

### **§2303. Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants**

A. - D.4. ...

E. Monitoring. Each horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall submit a detailed monitoring program subject to revision and approval by the Office of Environmental Services. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulates.

1. Note. Measurement of Concentrations. The methods listed in LAC 33:III.711.C, Table 2 and LAC 33:III.1503.D.2, Table 4, or such equivalent methods as may be approved by the department, shall be utilized to determine these particulate concentrations.]

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2088 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012).

## **Chapter 25. Miscellaneous Incineration Rules**

### **Subchapter B. Biomedical Waste Incinerators**

#### **§2511. Standards of Performance for Biomedical Waste Incinerators**

A. - E.6.e. ...

7. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

8. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

F. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012).

### **Subchapter C. Refuse Incinerators**

#### **§2521. Refuse Incinerators**

A. - F.9.e. ...

10. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

11. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012).

## **Subchapter D. Crematories**

### **§2531. Standards of Performance for Crematories**

A. - I.1.f. ...

2. A copy of all test results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

J. - J.1.d. ...

2. The owner/operator shall provide the Office of Environmental Services at least 30 days prior notice of any emission test to afford the department the opportunity to conduct a pretest conference and to have an observer present. The department has the authority to invalidate any testing where such notice is not provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012).

## **Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

### **Subchapter A. Incorporation by Reference**

#### **§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60**

A. ...

B. Corrective modification and clarification are made as follows.

1. Whenever the referenced regulations (i.e., 40 CFR Part 60) provide authority to "the administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 60) to be provided to "the administrator" shall be provided to the Office of Environmental Services, where the state is designated authority by EPA as "the administrator," or shall be provided to the Office of Environmental Services and EPA, where EPA retains authority as "the Administrator."

2. 40 CFR Part 60, Subpart A, Section 60.4 (b)(T) shall be modified to read as follows: State of Louisiana: Office of Environmental Services, Department of Environmental Quality.

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 37:2990 (October 2011), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012).

## **Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

### **Subchapter A. Applicability, Definitions, and General Provisions**

#### **§5113. Notification of Start-Up, Testing, and Monitoring**

A. - B. ...

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. The Office of Environmental Services shall be notified at least 30 days prior to testing to afford the department the opportunity to conduct a pretest conference and to have an observer present. All tests shall be conducted by qualified personnel. The Office of Environmental Services shall be given a copy of the test results in writing signed by the person responsible for the tests within 60 days after completion of the test.

2. - 4.e. ...

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Services by a certified letter sent before the close of business on the sixtieth day following the completion of the emission test.

6. ...

7. The owner or operator shall notify the Office of Environmental Services of any emission test required to demonstrate compliance with this Subchapter at least 30 days before the emission test to allow the administrative

authority the opportunity to have an observer present during the test.

C. - C.1. ...

2. When required at any other time requested by the administrative authority, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Office of Environmental Services with a copy of a written report of the results within 60 days of the evaluation. The owner or operator of the source shall furnish the Office of Environmental Services with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

3. - 4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental Services for approval a plan describing the affected sources and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2755 (November 2012).

## **Chapter 53. Area Sources of Toxic Air Pollutants**

### **Subchapter A. Toxic Emissions Reporting Requirements**

#### **§5307. Reporting Requirements**

A. - A.7. ...

B. Subsequent reports will be due on or before July 1 of each year. The report shall be submitted to the Office of Environmental Services and include the information requested in Subsection A of this Section for the preceding calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:431 (April 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2450 (October 2005), LR 33:2096 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2755 (November 2012).

**Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

**§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

A. ...

B. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html), from the Department of Environmental Quality, Office of Management and Finance, or from a public library.

C. Modifications or Exceptions. Whenever the referenced regulations (i.e., 40 CFR Part 63) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 63) to be provided to "the Administrator" shall be provided to the Office of Environmental Compliance, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Compliance and EPA, where EPA retains authority as "the Administrator."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012).

**Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality-  
Hazardous Waste**

**Chapter 19. Tanks**

**§1907. Containment and Detection of Releases**

A. - G.4.c. ...

H. The following procedures must be followed in order to request a variance from secondary containment.

1. The Office of Environmental Services must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in Subsection G of this Section according to the following schedule:

H.1.a. - K.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012).

**Chapter 22. Prohibitions on Land Disposal  
Subchapter B. Hazardous Waste Injection Restrictions**

**§2271. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injections**

A. - U.5. ...

V. Corrective Action for Wells in the Area of Review

1. The petitioner shall submit a plan to the Office of Environmental Services outlining the protocol used to:

V.1.a. - Z. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended LR 23:299 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2479 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2460 (October 2005), LR 33:2110 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012).

**§2273. Petition for Determinations Concerning No Alternatives to Land Disposal of a Prohibited Waste by Deep Well Injection**

A. - D. ...

E. Except as otherwise provided in this Section, if a hazardous waste not subject to an existing determination is to be injected, a petition that addresses such hazardous waste must be submitted to the Office of Environmental Services and a determination of no alternatives be made prior to this waste being injected. The provisions contained in Subsection J of this Section, shall apply with respect to such hazardous waste.

1. - 2. ...

F. If a new injection well(s) is to be used to inject a hazardous waste subject to an existing approved determination under this Section, a new petition is not necessary, provided the owner or operator submits a notice to the Office of Environmental Services. The notice shall include a copy of the EPA exemption approval for the new well(s) and a copy of the permit issued by the Louisiana Department of Natural Resources, Office of Conservation for the new well(s).

G. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:1801 (October 1999), amended LR 26:2479 (November 2000), amended by the Office of

the Secretary, Legal Affairs Division, LR 31:2460 (October 2005), LR 33:2110 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012).

#### **Chapter 49. Lists of Hazardous Wastes**

Editor's Note: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).

#### **§4999. Appendices—Appendix A, B, C, D, E, and F**

Appendix A. - Appendix E. ...

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

b. All data obtained to fulfill the required testing must be submitted to the Office of Environmental Services within 60 days after each sampling event.

1.c. - 3.b., Table 2. ...

Appendix F. ...

A. - B.3., Table 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation**

##### **Chapter 1. General Provisions and Definitions**

#### **§103. Regulatory Overview**

A. ...

B. Site Discovery and Evaluation

1. Site Discovery Reporting. These regulations establish a reporting program as required by the Louisiana Environmental Quality Act to help identify inactive or uncontrolled sites where hazardous substances could have been disposed of or discharged. Owners, lessees, and other persons who know or discover that hazardous substances have been discharged or disposed of at such a site must report this information to the Office of Environmental Compliance within the specified time. The department may also discover sites through its own investigations, referrals from other agencies, or other means.

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2178 (November 1999), amended LR 26:2510 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2136 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **Chapter 4. PRP Search, Notification, and Demand for Remediation**

#### **§403. Notification to Provide Information**

A. The Office of Environmental Compliance shall send a written notification to provide information to all PRPs identified during its preliminary PRP investigation. The administrative authority may, at its discretion, send supplemental or additional notifications to any PRP identified by the administrative authority at any time during the remedial action process.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **Chapter 5. Site Remediation**

#### **§501. Remedial Actions**

A. ...

B. The Office of Environmental Compliance shall consider the following factors in determining the need for or the appropriateness of a remedial action consistent with Subsection A of this Section:

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), amended LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **§502. Role of PRPs in Remedial Actions**

A. The Office of Environmental Compliance may, at its sole discretion, direct PRPs to perform any site investigation, remedial investigation, corrective action study, and/or remedial action in accordance with the following:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), amended LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **§505. Removal Action**

A. - A.3. ...

4. If the removal action results in achievement of the RECAP standards established by the department, the Office of Environmental Compliance may determine that no further action is required. The department may then issue a decision document stating that the removal action is the final remedy and no further action is required.

5. ...

B. A removal action work plan shall be prepared by the Office of Environmental Compliance, or by PRPs as directed



by the department. Any plan prepared by PRPs shall be reviewed and approved by the department prior to the commencement of the removal action. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. The minimum requirements for a removal action work plan include:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2187 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012).

#### **§507. Remedial Investigation**

A. - B. ...

C. To complete a RI the Office of Environmental Compliance, or PRPs as directed by the department, shall provide the following:

1. - 3. ...

4. Remedial Investigation Report. Following the completion of the RI, a remedial investigation report shall be prepared by the Office of Environmental Compliance, or by PRPs as directed by the department. Any RI report prepared by PRPs shall be reviewed and approved by the department. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' report. At a minimum, this report shall include:

C.4.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2187 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2758 (November 2012).

#### **§509. Corrective Action Study**

A. - C.5. ...

6. Preparation of a Corrective Action Study Report. Following the completion of the corrective action study activities in this Subsection, a CAS report describing the results of all required CAS activities shall be prepared by the Office of Environmental Compliance, or by PRPs as directed by the department. Any CAS report prepared by PRPs shall be reviewed and approved by the department prior to the approval of the CAS. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2188 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2758 (November 2012).

#### **§515. Revisions to the Final Remedy**

A. - B. ...

1. notify the Office of Environmental Compliance that a modification is necessary;

2. - 3. ...

C. If the department determines that a modification is necessary (whether proposed by a PRP or by the department) and if the modification changes the final remedy in the final decision document, then the Office of Environmental Compliance shall:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2191 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2758 (November 2012).

#### **§521. Post-Remedial Management**

A. - A.2. ...

B. Operation and Maintenance. An operation and maintenance (O and M) plan shall be prepared for all sites assigned post-remedial management because hazardous substances remain at the site at levels above remedial goals or where O and M is part of the approved remedy. O and M plans prepared by PRPs shall be submitted to the Office of Environmental Compliance for review and approval. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. O and M plans prepared by PRPs for a site where leaving hazardous substances at the site is part of the approved and completed remedy shall be submitted to the department for review and approval at least six months prior to completion of the remedy. Each O and M plan shall include, but not be limited to:

1. - 8. ...

C. Monitoring. If required by the department, a monitoring plan shall be developed by the Office of Environmental Compliance, or by PRPs as directed by the department. A monitoring plan prepared by PRPs shall be submitted to the department for review and approval. The department shall provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. This plan shall include a description of provisions for monitoring of site conditions during the post-remedial management period to prevent further endangerment to human health and the environment, including:

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2191 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2758 (November 2012).

## **Chapter 6. Cost Recovery**

### **§607. Determination of Remedial Costs; Demand to PRPs**

A. Timing. The Office of Environmental Compliance may at any time prepare a written determination of the cost of partial or complete remediation of a site. The department may revise its determination in writing at any time thereafter.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2193 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

## **Chapter 7. Settlement and Negotiations**

### **§705. Negotiations**

A. - B.4. ...

C. Negotiations after Issuance of Administrative Orders. PRPs who have received unilateral administrative orders may negotiate with the Office of Environmental Compliance for dismissal of the administrative order upon execution of a cooperative agreement unless an emergency situation has been declared or the department determines that a stay of remedial actions or of enforcement will be detrimental to the public health, welfare, or the environment. The department has sole discretion in determining whether to enter into negotiations after issuance of a unilateral administrative order. Except by written determination of the department, no request for or conduct of negotiations in accordance with this Section shall serve to stay or modify the terms of any such unilateral administrative order.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2194 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

### **§711. Mixed Funding**

A. - B. ...

C. Eligibility and Mixed Funding Criteria. The Office of Environmental Compliance shall make a determination whether a proposal is eligible for funding. The only circumstances under which mixed funding can be approved by the department are when the funding will achieve both:

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2195 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

## **Chapter 8. Public Information and Participation**

### **§801. Public Information**

A. - B. ...

1. Information Repositories. The Office of Environmental Compliance may establish and maintain an information repository in a public location near the site. If a repository is established, PRPs shall provide the department with copies of all necessary documents.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2196 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

### **§803. Public Participation**

A. In order to ensure that the public has an opportunity to comment on site-related decisions, the Office of Environmental Compliance, or PRPs as directed by the department, shall provide opportunities for public participation as listed in this Section. All public participation activities undertaken by PRPs shall be performed under the direction and approval of the department.

1.a. - b. ...

2. For sites where the secretary has made a demand for remedial action in accordance with R.S. 30:2275, the department shall, upon written request, provide an opportunity for a public meeting prior to approval of a site remedial investigation plan and selection of a remedy. Additionally, if a written request is received, the department shall hold a public comment period of not more than 60 calendar days duration prior to approval of a site remedial investigation plan and selection of a site remedy. Written requests shall be mailed to the Office of Environmental Compliance.

a. ...

b. Prior to any public comment period, the Office of Environmental Compliance, or PRPs as directed by the department, shall place a copy of the document being reviewed in a public location near the site.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2196 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

## **Chapter 9. Voluntary Remediation**

### **§911. Application Process**

A. Voluntary Remedial Investigation Applications. Prior to performing a remedial investigation and submission of the application in Subsection B of this Section, the applicant may submit a voluntary remedial investigation application for review and approval by the administrative authority, which consists of the following:

1. a Voluntary Remedial Investigation Application Form VCP001, available from the Office of Environmental Compliance and on the department's website, with required attachments, accompanied by the remedial investigation work plan review fee; and

2 - 2.f. ...

B. Voluntary Remediation Applications. Prior to implementation of a voluntary remedial action at a site, applicants must submit a voluntary remediation application to the Office of Environmental Compliance for review and final approval. The application shall consist of the following:

1. a Voluntary Remediation Application Form VCP002, available from the Office of Environmental Compliance and on the department's website, with required attachments, accompanied by the remedial action plan review fee;

B.2. - C.1. ...

2. After the application is accepted for public review and before the beginning of the public comment period provided in Subsections D and F of this Section, the applicant shall provide the number of copies of the accepted application specified by the administrative authority to the Office of Environmental Compliance.

3. ...

D. Public Notice. Upon acceptance of the voluntary remediation application, as set forth in Subsection C of this Section, the applicant must place a public notice of the proposed voluntary remedial action plan in the local newspaper of general circulation in the parish where the voluntary remediation site is located. The public notice shall be a single classified advertisement at least 4 inches by 6 inches in size in the legal or public notices section. The applicant must provide proof of publication of the notice to the Office of Environmental Compliance prior to final approval of the plan. The public notice shall:

1. - 2. ...

3. indicate that comments shall be submitted to the Office of Environmental Compliance (including the contact person, mailing address, and physical address), as well as indicate the deadline for submission of comments;

4. - 5. ...

E. Direct Notice to Landowners. Within five days of the public notice in Subsection D of this Section, the applicant must send a direct written notice of the voluntary remedial action plan to persons owning immovable property contiguous to the voluntary remediation site. This notice shall be sent to persons listed as owners of the property on the rolls of the parish tax assessor as of the date on which the voluntary remediation application is submitted. The notice must be sent by certified mail and contain the same information that is provided in the public notice. Return receipts or other evidence of the receipt or attempted delivery of the direct notice must be provided to the Office of Environmental Compliance prior to final approval of the plan.

F. Public Hearing and Comment

1. Comments on the voluntary remedial action plan shall be accepted by the Office of Environmental Compliance for a period of 30 days after the date of the public notice and shall be fully considered by the administrative authority prior to final approval of the plan. However, if the administrative authority determines a shorter

or longer comment period is warranted, the administrative authority may provide for a shorter or longer comment period in the public notice described in Paragraph D.1 of this Section. Also, the comment period provided in the public notice may be extended by the administrative authority if the administrative authority determines such an extension is warranted.

F.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:516 (April 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:2139 (October 2007), LR 34:1901 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012).

### **§913. Completion of Voluntary Remedial Actions**

A. - D. ...

1. the applicant provides written notice to the Office of Environmental Compliance at least 15 days in advance of the termination;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:518 (April 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:2140 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012).

## **Part IX. Water Quality**

### **Subpart 1. Water Pollution Control**

#### **Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids**

##### **Subchapter A. Program Requirements**

#### **§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits**

A. - C.3.b. ...

c. The regulations and guidelines on the environmental laboratory accreditation program and a list of laboratories that have applied for accreditation are available on the department's website. Questions concerning the program may be directed to the Office of Environmental Services.

D. - D.8.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012).

## **Part XI. Underground Storage Tanks**

### **Chapter 3. Registration Requirements, Standards, and Fee Schedule**

#### **§301. Registration Requirements**

A. - A.2. ...

3. All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and

accurate information with the department includes notifying the Office of Environmental Compliance of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30 days of the change in ownership or in description of the UST system.

B. New UST Systems. Upon the effective date of these regulations, all owners of new *UST systems* (as defined in LAC 33:XI.103) must, at least 30 days before bringing such tanks into use, register them on an underground storage tank registration form (UST-REG-01). Registration forms shall be filed with the Office of Environmental Compliance. The following registration requirements apply to new UST systems.

1. - 2. ...

C. All UST system owners or operators shall comply with the following requirements.

1. Any person who sells a UST system shall so notify the Office of Environmental Compliance in writing within 30 days after the date of the transaction. A person selling a UST must also notify the person acquiring a regulated UST system of the owner's registration obligations under this Section.

2. Any person who acquires a UST system shall submit to the Office of Environmental Compliance an amended registration form within 30 days after the date of acquisition.

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), repromulgated LR 32:393 (March 2006), amended LR 32:1852 (October 2006), LR 33:2171 (October 2007), LR 34:2116 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012).

### §303. Standards for UST Systems

A. - C.1. ...

2. The department may grant an extension to these dates only in the event that the UST or UST system installation is delayed due to adverse weather conditions or other unforeseen, unavoidable circumstances. A written contract alone does not qualify as an unforeseen, unavoidable circumstance. In order to obtain an extension, the UST owner must submit a written request to the Office of Environmental Compliance, describing the circumstances that have caused the installation delay.

D. - D.6.b.i.(e). ...

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation critical-junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph D.6.a of this Section, all owners and operators must provide a certification of

compliance on the UST Registration of Technical Requirements Form (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Compliance.

c. Notification of Installation. The owner and operator must notify the Office of Environmental Compliance in writing at least 30 days before beginning installation of a UST system by:

6.c.i. ...

ii. notifying the appropriate regional office of the Office of Environmental Compliance by mail or fax seven days prior to commencing the installation and before commencing any *installation-critical juncture* (as defined in LAC 33:XI:1303);

D.6.c.iii. - E.6. ...

a. The owner and operator must notify the Office of Environmental Compliance in writing at least 30 days before beginning a UST system upgrade.

b. An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Compliance within 30 days after the UST system is upgraded. The owner and operator must certify compliance with Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve repair-critical junctures or installation-critical junctures (as defined in LAC 33:XI.1303) of a UST system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2171 (October 2007), LR 34:2116 (October 2008), LR 35:1493 (August 2009), amended by the Office of the Secretary, Legal Division, LR 38:2761 (November 2012).

## Chapter 5. General Operating Requirements

### §507. Repairs Allowed

A. ...

1. Except in emergencies, the owner and operator shall notify the Office of Environmental Compliance in advance of the necessity for conducting a repair to a UST system.

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2119 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2761 (November 2012).

## **Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response**

### **§701. Methods of Release Detection**

A. - A.8.a. ...

b. The release-detection method has been approved by the Office of Environmental Compliance on the basis of a demonstration by the owner and operator that the method can detect a release as effectively as any of the methods allowed in Paragraphs A.3-8 of this Section. In comparing methods, the Office of Environmental Compliance shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any conditions imposed on its use by the Office of Environmental Compliance.

B. - B.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1072 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012).

### **§703. Requirements for Use of Release Detection Methods**

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

iii. obtain approval from the Office of Environmental Compliance to use the alternate release detection method before the installation and operation of the new UST system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), amended by the Office of Environmental Assessment, LR 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:1400 (July 2008), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012).

### **§715. Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances**

A. - C.1.f. ...

2. Within 20 days after release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit a report to the Office of Environmental Compliance summarizing the initial abatement steps taken under Paragraph C.1 of this Section and any resulting information or data.

D. - D.1.e. ...

2. Within 60 days of release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit the information

collected in compliance with Paragraph D.1 of this Section to the Office of Environmental Compliance in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the department.

E. Free Product Removal. At sites where investigations under Subparagraph C.1.f of this Section indicate the presence of free product, owners and operators must remove free product to the maximum extent practicable as determined by the Office of Environmental Compliance, while continuing, as necessary, any actions initiated under Subsections B-D of this Section, or preparing for actions required under Subsections F-G of this Section. To meet the requirements of this Subsection, owners and operators must take the following actions.

1. - 3. ...

4. Unless directed to do otherwise by the department, prepare and submit to the Office of Environmental Compliance, within 45 days after confirming a release, a free product removal report that provides at least the following information:

E.4.a. - G.4. ...

a. notify the Office of Environmental Compliance of their intention to begin cleanup;

G.4.b. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of the Secretary, LR 24:2253 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012).

## **Chapter 9. Out-of-Service UST Systems and Closure**

### **§903. Temporary Closure**

A. - B.2. ...

3. submit a completed copy of the registration form UST-REG-01 to the Office of Environmental Compliance, indicating the dates the UST system was temporarily closed.

C. ...

D. When a UST system is temporarily closed for more than 24 months, owners and operators shall complete a site assessment in accordance with LAC 33:XI.907. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section must be submitted in duplicate to the Office of Environmental Compliance within 60 days following the end of the 24-month temporary closure period.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2173 (October 2007), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012).

## §905. Permanent Closure and Changes-in-Service

A. At least 30 days before beginning either permanent closure or a change-in-service under Subsections B, C, and D of this Section, owners and operators must notify the Office of Environmental Compliance of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action.

1.a. ...

b. notifying the appropriate regional office of the Office of Environmental Compliance by mail or fax at least seven days prior to implementing the removal or change.

A.2. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012).

## §907. Assessing the Site at Closure or Change-in-Service

A. Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site, utilizing the procedure approved by the department. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Results of this assessment must be submitted in duplicate to the Office of Environmental Compliance within 60 days following permanent closure or change in service. The assessment results shall include a site diagram indicating locations where samples were collected and a written statement specifying which USTs have been closed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012).

## Chapter 11. Financial Responsibility

### §1111. Financial Test of Self-Insurance

A. - C.5.b. ...

D. To demonstrate that it meets the financial test under Subsection B or C of this Section, the chief financial officer of the owner or operator, or guarantor, must sign, within 120 days of the close of each *financial reporting year*, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded

exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted. To prepare this letter, the owner or operator must use the form required by the department. This form may be obtained from the Office of Environmental Compliance.

\* \* \*

E. - F. ...

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the administrative authority that he or she no longer meets the requirements of the financial test, the owner or operator must notify the Office of Environmental Compliance of such failure within 10 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), LR 27:2232 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012).

### §1113. Guarantee

A. - A.2. ...

B. Within 120 days of the close of each financial reporting year the guarantor must demonstrate that it meets the financial test criteria of LAC 33:XI.1111 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in LAC 33:XI.1111.D and must deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator and to the Office of Environmental Compliance. If the Office of Environmental Compliance notifies the guarantor that he no longer meets the requirements of the financial test of LAC 33:XI.1111.B or C and D, the guarantor must notify the owner or operator within 10 days of receiving such notification from the Office of Environmental Compliance. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator must obtain alternative coverage as specified in LAC 33:XI.1139.C.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012).

### §1123. Trust Fund

A. - C. ...

D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Office of Environmental Compliance for release of the excess.

E. If other financial assurance as specified in this Chapter is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Office of Environmental Compliance for release of the excess.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012).

### §1129. Cancellation or Nonrenewal by a Provider of Financial Assurance

A. - A.2. ...

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in LAC 33:XI.1131, the owner or operator must obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator must notify the Office of Environmental Compliance of such failure and submit:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012).

### §1131. Reporting by Owner or Operator

A. An owner or operator must submit to the Office of Environmental Compliance the appropriate forms listed in LAC 33:XI.1133.B documenting current evidence of financial responsibility as follows.

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012).

### §1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator must notify the Office of Environmental Compliance by certified mail of such commencement and submit the appropriate forms listed in LAC 33:XI.1133.B documenting current financial responsibility.

B. ...

C. An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, or letter of credit. The owner or operator must obtain alternate financial assurance as specified in this Chapter within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he must notify the Office of Environmental Compliance.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:1578 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2174 (October 2007), LR 34:1902 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012).

### §1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. - B. ...

1. To qualify for an examination, a person need not be a resident of Louisiana. A person must provide, to the Office of Environmental Compliance, payment of the examination fee and meet the following requirements to be eligible for a UST certification examination.

B.1.a. - E. ...

F. Expiration and Renewal of Certificates

1. All UST certificates and certificate renewals shall expire December 31 of every second year. Applications for certificate renewal and payment of the renewal fee should be submitted to the Office of Environmental Compliance by November 1 of each year they expire. A person whose certificate has expired prior to his or her submission of evidence of compliance with Paragraph F.2 of this Section shall be considered a new applicant for certification.

F.2. - G.2. ...

H. Changes in Employment. It is incumbent upon a certified person to provide written notification to the Office of Environmental Compliance within 20 days after his or her knowledge of a change in employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012).

### **§1309. Approval of Continuing Training Courses**

A. No course in continuing education submitted to the Office of Environmental Compliance will be considered for approval unless the course:

1. - 2. ...

B. Applications for approval of specific training programs shall be submitted to the Office of Environmental Compliance in writing. Such submissions shall contain a complete course outline; training material; sample certificates; methodology for verifying attendance; date, time, and location of the course; the name of the offering organization; the credentials of the instructors; and a certification that the technology or methods that will be presented in the training program will satisfy department rules, and state and federal laws governing UST system installation, repair, or closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2765 (November 2012).

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Executive Counsel

1211#019

### **RULE**

#### **Department of Environmental Quality Office of the Secretary Legal Division**

#### **Offset Requirements and Emission Reduction Credits Banking (LAC 33:III.504, 601, 603, 605, 607, 615 and 619)(AQ327)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.504, 601, 603, 605, 607, 615 and 619 (AQ327).

The Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) was formerly designated as nonattainment with respect to the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) of 0.08 parts per million (ppm). As such, increases of nitrogen oxides (NO<sub>x</sub>) and volatile

organic compounds (VOC) emissions were governed by nonattainment new source review (NNSR) procedures provided by LAC 33:III.504. Under NNSR, prior to the construction of a new major stationary source or a major modification of an existing major stationary source, an owner or operator must obtain offsets for significant increases in emissions of NO<sub>x</sub> and VOC in the form of emission reduction credits (ERC) banked in accordance with LAC 33:III.Chapter 6.

On November 30, 2011, the U.S. Environmental Protection Agency (EPA) redesignated the Baton Rouge area to attainment of the 1997 ozone NAAQS, effective December 30, 2011. At the same time, EPA approved LDEQ's ozone maintenance plan, which projected no net growth in point source NO<sub>x</sub> and VOC emissions in the five parish area through 2022. However, another ozone standard, with which the Baton Rouge area is not in compliance, will soon be implemented.

On March 27, 2008, EPA lowered the primary ozone NAAQS from 0.08 ppm to 0.075 ppm. This standard became effective on May 27, 2008. However, on September 16, 2009, the agency announced it would reconsider the NAAQS and therefore delayed implementation of the new standard. On January 19, 2010, EPA proposed that the NAAQS should be set within the range of 0.060 to 0.070 ppm. Then, on September 2, 2011, President Obama "requested that Administrator Jackson withdraw the draft Ozone National Ambient Air Quality Standards." Since the ongoing review of the ozone NAAQS will not be completed for several years, the EPA is now moving ahead with certain required actions to implement the 2008 standard. One such action is to designate areas as either attainment, nonattainment, or unclassifiable.

Based on air quality data from 2008-2010, LDEQ recommended to EPA that East Baton Rouge Parish be designated as nonattainment. By letter dated December 9, 2011, EPA informed LDEQ that, in addition to East Baton Rouge, the agency intends "to designate as nonattainment the parishes of Ascension, Iberville, Livingston, and West Baton Rouge" and "plans to promulgate final ozone designations in spring of 2012." On April 30, 2012, EPA issued a final rule entitled "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes." This Rule formally designated the five parishes as nonattainment, effective July 20, 2012.

This Rule is necessary to ensure that the Baton Rouge area continues to make progress toward attainment of the 2008 ozone NAAQS and to mitigate increases of NO<sub>x</sub> and VOC emissions consistent with the area's approved ozone maintenance plan.

This Rule removes references to the 2005 Attainment Plan and Transport Demonstration SIP and the associated inventory comparisons from Chapter 6. Currently, if the ozone design value for the Baton Rouge area is above the NAAQS for ozone, Chapter 6 requires LDEQ to compare the current total point-source emissions inventory, as defined in LAC 33:III.605.A, to the base line inventory associated with the 2005 Attainment Plan and Transport Demonstration SIP. The outcome of this comparison is used to determine



baseline emissions for calculating the surplus emission reduction. However, the 2005 Attainment Plan and Transport Demonstration SIP has since been superseded by the 1997 8-Hour Moderate SIP Revision (Redesignation Package), which was approved by EPA on November 30, 2011 (76 FR 74000). As such, the relationship between the current total point-source emissions inventory and the base line inventory is no longer meaningful.

Finally, this Rule allows for creditable reductions of criteria pollutants other than NO<sub>x</sub> and VOC to be banked. EPA promulgated a 1-hour NAAQS for SO<sub>2</sub> on June 22, 2010. Based on 2008-2010 monitoring data, LDEQ recommended that the parishes of St. Bernard and West Baton Rouge be designated as nonattainment. Major stationary sources located in these parishes will be subject to the provisions of Chapter 6 for the purpose of utilizing SO<sub>2</sub> emission reductions as offsets in accordance with LAC 33:III.504.

The basis and rationale for this Rule is to ensure that the Baton Rouge area continues to make progress toward attainment of the 2008 ozone NAAQS, mitigate increases of NO<sub>x</sub> and VOC emissions consistent with the area's approved ozone maintenance plan, remove references to the 2005 Attainment Plan and Transport Demonstration SIP and the associated inventory comparisons from Chapter 6, and allow for creditable reductions of criteria pollutants other than NO<sub>x</sub> and VOC to be banked.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 5. Permit Procedures**

**§504. Nonattainment New Source Review (NNSR)  
Procedures and Offset Requirements in  
Specified Parishes**

A. - A.1. ...

2. The potential to emit of a stationary source shall be compared to the major stationary source threshold values listed in Subsection L, Table 1 of this Section to determine whether the source is major.

3. The emissions increase that would result from a proposed modification, without regard to project decreases, shall be compared to the trigger values listed in Subsection L, Table 1 of this Section to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

a. - d. ...

4. The net emissions increase shall be compared to the significant net emissions increase values listed in Subsection L, Table 1 of this Section to determine whether a nonattainment new source review must be performed.

A.5. - D.4. ...

5. Emission offsets shall provide net air quality benefit, in accordance with offset ratios listed in Subsection L, Table 1 of this Section, in the area where the NAAQS for that pollutant is violated.

D.6. - F. ...

1. Offsets shall be required at the ratio specified in Subsection L, Table 1 of this Section. All emission reductions claimed as offset credit shall be from decreases of the same regulated pollutant or pollutant class (e.g., VOC) for which the offset is required, except that direct PM<sub>2.5</sub> emissions or emissions of PM<sub>2.5</sub> precursors may be offset by reductions in direct PM<sub>2.5</sub> emissions or emissions of any PM<sub>2.5</sub> precursor, if such offsets comply with the interprecursor trading hierarchy and ratio established in the approved SIP for a particular nonattainment area.

F.2. - L. ...

\* \* \*

M. Offset Requirements in Specified Parishes. Except as provided in Paragraph M.4 of this Section, the provisions of this Subsection shall apply to stationary sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge if the parish's designation with respect to the 8-hour national ambient air quality standard (NAAQS) for ozone is attainment, marginal nonattainment, or moderate nonattainment.

1. New Stationary Sources. The owner or operator of a new stationary source shall provide offsets for potential VOC and NO<sub>x</sub> emissions in excess of 50 tons per year.

2. Existing Stationary Sources

a. Consideration of the net emissions increase shall be triggered for any physical change or change in the method of operation that would increase emissions of VOC or NO<sub>x</sub> by 25 tons per year or more, without regard to any project decreases.

b. The owner or operator of an existing stationary source with a potential to emit 50 tons per year or more of VOC shall provide VOC offsets for each physical change or change in the method of operation that would result in a net emissions increase of 25 tons per year or more of VOC.

c. The owner or operator of an existing stationary source with a potential to emit 50 tons per year or more of NO<sub>x</sub> shall provide NO<sub>x</sub> offsets for each physical change or change in the method of operation that would result in a net emissions increase of 25 tons per year or more of NO<sub>x</sub>.

3. Offsets shall be required at a ratio of 1.1 to 1.

4. The provisions of this Subsection shall not apply to any new major stationary source or major modification as defined in Subsection K of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3123, 3155 (December 2005), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:1890 (September 2008), LR 37:1568 (June 2011), LR 38:1232 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2766 (November 2012).

**Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits (ERC) Banking**

\* \* \*

**§601. Purpose**

A. This Chapter establishes the means of enabling stationary sources to identify and preserve or acquire emission reductions for new source review (NSR) offsets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended by the Office of Environmental Assessment, Planning Division, LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

**§603. Applicability**

A. Major stationary sources are subject to the provisions of this Chapter for the purpose of utilizing emission reductions as offsets in accordance with LAC 33:III.504. Minor stationary sources located in nonattainment areas may submit ERC applications for purposes of banking. Sources located in EPA-designated attainment areas may not participate in the emissions banking program. Any stationary point source at an affected facility is eligible to participate.

B. Notwithstanding Subsection A of this Section, sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge may participate in the emissions banking program for purposes of securing offsets where required by LAC 33:III.504.M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

**§605. Definitions**

A. The terms used in this Chapter are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

\* \* \*

*Bankable Emission Reductions*—reductions of a criteria pollutant that meet the provisions of this Chapter at the time of review and approval.

\* \* \*

*Base Case Inventory*—Repealed.

*Base Line Inventory*—Repealed.

\* \* \*

*Current Total Point-Source Emissions Inventory*—Repealed.

\* \* \*

*Modeled Parishes*—Repealed.

*Offset*—a legally enforceable reduction, approved by the department, in the rate of actual emissions from an existing stationary point source, which is used to compensate for a significant net increase in emissions from a new or modified stationary source in accordance with the requirements of LAC 33:III.504. To be valid, an offset must meet the definition of ERC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), LR 25:1622 (September 1999), LR 26:2448 (November 2000), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007), LR 34:1890 (September 2008), LR 37:3221 (November 2011), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

**§607. Determination of Creditable Emission Reductions**

A. - B.2. ...

C. Procedures for Calculating the Surplus Emission Reduction. The following procedures shall be used in calculating the quantity of surplus air emission reductions.

1. Reserved.

2. - 3. ...

4. Quantify Baseline Emissions. Baseline emissions shall be the lower of actual emissions or adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section.

C.5. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:302 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1601 (September 2006), LR 33:2068 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

**§615. Schedule for Submitting Applications**

A. ...

B. If a parish is designated as nonattainment by the EPA after January 1, 2012, applications for banking ERCs in such parish must be submitted by March 31 of the year following the effective date of the EPA designation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 26:486 (March 2000), LR 28:304 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

**§619. Emission Reduction Credit Bank**

A. The department shall maintain a banking database that shall consist of a record of all information concerning applications, deposits, withdrawals, and transactions, as well as pertinent date(s) concerning such information. All data in the banking database shall be available to the public upon request.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:879 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2449 (November 2000), LR 28:305 (February 2002), amended by the Office of the Secretary, Legal Division, LR 38:2767 (November 2012).

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Executive Counsel

1211#015

## RULE

### Department of Environmental Quality Office of the Secretary Legal Division

Stay of Permit Conditions Pending  
Administrative/Judicial Review (LAC 33:I.401, 403,  
405, and 407; III.537; V.705; and IX.309)(OS083)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Office of the Secretary regulations, LAC 33:I.401, 403, 405, and 407; III.537; V.705; and IX.309 (OS083).

This Rule identifies permit conditions, or "classes" of permit conditions, that: will automatically be suspended upon request for review; may be suspended at the discretion of the secretary (which may be delegated to the Assistant Secretary for the Office of Environmental Services); and will not be suspended. It also provides guidance and standards for the exercise of discretion by the secretary. R.S. 30:2024(A) provides that a permit is "effective upon issuance unless a later date is specified therein." In some instances, the permit applicant requests review of conditions and limitations in the permit. It may be impractical or unduly expensive for the permit applicant to comply with the permit conditions pending the appeal.

The basis and rationale for this Rule is to provide environmentally safe and economically beneficial options for the department to manage "suspensions" of permit conditions pending the review process.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### Title 33 ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

#### Subpart 1. Departmental Administrative Procedures Chapter 4. Suspension of Contested Permit Conditions

##### §401. Purpose

A. This Chapter applies to the effectiveness of permit conditions contested pursuant to R.S. 30:2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 38:2768 (November 2012).

##### §403. Suspension of Contested Conditions

A. Except as noted in Subsection B of this Section, during the course of an adjudicatory hearing or de novo judicial proceeding regarding a contested permit condition, all permit conditions contested by the applicant shall be suspended. All other provisions of the permit shall be effective unless the *administrative authority* as defined in LAC 33:I.107.A elects to suspend uncontested permit provisions that are not severable from those contested by the applicant.

B. Unless otherwise approved by the administrative authority, in writing, a contested permit condition shall not be suspended when:

1. the suspension may result in the withdrawal of delegation to the state of any authorized federal environmental program;

2. the suspension of the contested condition would violate general or numeric criteria found in LAC 33:IX.1113;

3. the contested condition is based on guidelines adopted by reference in LAC 33:IX.4901;

4. the contested condition prevents degradation in an outstanding natural resources water body; or

5. the suspension of the contested condition results in a violation of any memorandum of understanding between the department and the United States Fish and Wildlife Service.

C. Existing Permitted Facilities. To the extent that conditions in a newly-issued permit are suspended under this Section, the applicant must comply with the corresponding conditions of the existing permit that was replaced by the newly-issued permit, unless compliance with those conditions would be technologically incompatible with compliance with other conditions in the new permit which have not been suspended.

D. Newly Permitted Facilities. When a permit condition for a new facility, new source, new discharger, or a recommencing discharger is suspended, the applicant shall be prohibited from commencing any activities that may result in a release or discharge to the environment that are regulated by the suspended permit condition or related permit conditions that are not severable from the contested condition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 38:2768 (November 2012).

##### §405. Procedure for Suspension of Contested Conditions

A. For a contested permit condition to be suspended, the applicant must submit a hearing request pursuant to R.S. 30:2024(A).

B. In the hearing request, the applicant must specifically identify the permit condition being contested and explain the basis for challenging the contested condition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 38:2768 (November 2012).

**§407. Effect of Suspension Following Action on Denial of a Hearing Request**

A. Upon notice of the denial of a hearing request submitted pursuant to R.S. 30:2024(A), suspended permit conditions shall become effective unless the applicant timely files a petition for de novo review pursuant to R.S. 30:2024(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 38:2769 (November 2012).

**Part III. Air**

**Chapter 5. Permit Procedures**

**§537. Louisiana General Conditions**

A. ...

<b>Table 1. Louisiana Air Emission Permit General Conditions</b>
[See Prior Text in I. - XVII.]
XVIII. Provisions of the permit may be appealed to the secretary in writing pursuant to R.S. 30:2024(A) and LAC 33:I.Chapter 4 within 30 days from notice of the permit action.
[See Prior Text in XIX. - XX.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:660 (April 2009), amended LR 37:1146 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2769 (November 2012).

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits**

**Subchapter A. Permits**

**§705. Issuance and Effective Date of Permit**

A. - B.1....

2. review is requested under R.S. 30:2024, in which case effectiveness of permit conditions shall be governed by LAC 33:I.Chapter 4;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:614 (July 1990), amended by the Office of the Secretary, Legal Division, LR 38:2769 (November 2012).

**Part IX. Water Quality**

**Subpart 1. Water Pollution Control**

**Chapter 3. Permits**

**Subchapter A. General Requirements**

**§309. Renewal and Termination**

A. - B.3....

C. If the applicant submits a timely and complete application pursuant to LAC 33:IX.309.A, and the department, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing permit, the permittee shall continue to operate the facility under the terms and conditions of the expired permit which shall remain in effect until final action on the application is taken by the department. If the application is

denied, the expired permit shall remain in effect until the appeal process has been completed and a final decision rendered unless the secretary finds that an emergency exists which requires that immediate action be taken and in such case any appeal or request for review shall not suspend the implementation of the action ordered. Permits continued under this Section remain fully effective and enforceable. If the conditions of any renewed permit are contested by the permittee pursuant to R.S. 30:2024, the effectiveness of permit conditions shall be governed by LAC 33:I.Chapter 4.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2541 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2505 (October 2005), LR 33:2161 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2769 (November 2012).

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1211#020

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

Toxic Emissions Reporting Requirements  
(LAC 33:III.5301, 5303 and 5307)(AQ333)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.5301, 5303 and 5307 (AQ333).

This Rule eliminates reporting requirements for several hundred dry cleaning operators, electroplaters and solvent users. The regulation is outdated. There is no longer a need for dry cleaning operators, electroplaters and solvent users to continue to make the reports in the regulation which originally was in place to collect information for the Periodic Emissions Inventory DEQ sends to EPA. There are now newer, better emissions estimation tools that are used, therefore there is no longer a need for these businesses to continue to report.

The basis and rationale for this Rule are to update reporting requirements.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 53. Area Sources of Toxic Air Pollutants**

**Subchapter A. Toxic Emissions Reporting Requirements**

**§5301. Applicability**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:430 (April 1994), amended LR 23:63 (January 1997), repealed by the Office of the Secretary, Legal Division, LR 38:2769 (November 2012).

### §5303. Exemptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:431 (April 1994), repealed by the Office of the Secretary, Legal Division, LR 38:2770 (November 2012).

### §5307. Reporting Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:431 (April 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2450 (October 2005), LR 33:2096 (October 2007), repealed by the Office of the Secretary, Legal Division, LR 38:2770 (November 2012).

1211#017

## RULE

### Department of Health and Hospitals Board of Dentistry

General Provisions—Evidence of Graduation, Restricted Licensees, Temporary Licenses, and Returning to Active Practice (LAC 46:XXXIII.103, 105, 120, and 124)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry amends LAC 46:XXXIII.103, 105, 120, and 124.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXIII. Dental Health Profession

#### Chapter 1. General Provisions

#### §103. Evidence of Graduation

A.1. All applicants for a dental license shall furnish the board with satisfactory evidence of graduation from an accredited dental school, dental college, or educational. An accredited dental school, dental college, or educational program shall be one that has been certified as accredited by the Commission on Dental Accreditation of the American Dental Association (CODA).

2. An applicant for a dental license who did not attend an accredited dental school or dental college must successfully complete a post-graduate CODA-approved program in either general dentistry or one of the board-approved specialties listed in §122.

a. An acceptable general dentistry post-graduate program shall consist of at least two complete, consecutive years of training in no more than two CODA-approved institutions or programs. The board does not accept an accumulation of incomplete programs to satisfy this requirement.

b. An acceptable specialty post-graduate program shall consist of at least two consecutive years at the same institution. The board does not accept an accumulation of programs which are less than two years in length to satisfy this requirement.

c. If granted a dental license, an applicant who fulfills his or her dental education requirement through a CODA-approved post-graduate program will be required to practice in only the field in which he or she obtained the two years of post-graduate training.

B. All applicants for a dental hygiene license shall furnish the board with satisfactory evidence of graduation from an accredited dental hygiene school, dental hygiene college, or educational program of at least two years in length.

C. The phrase *satisfactory evidence of graduation from an accredited dental school, dental college or educational program* shall mean receipt of satisfactory evidence from the dean of the applicant's school specifically stating that the applicant will indeed graduate within 90 days following the successful completion of a board-approved clinical licensing examination.

D. The president of the board shall withhold his signature on the license of the applicant pending receipt of satisfactory evidence of graduation before awarding the applicant's license to practice dentistry or dental hygiene in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 10:88 (February 1984), amended by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), LR 26:488 (March 2000), LR 27:1890 (November 2001), LR 38:2770 (November 2012).

#### §105. Restricted Licensees

A. ...

B. All recipients of restricted licenses who are members of the faculty of the LSU system, graduates of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and otherwise meet all requirements for a general license must receive same within two years from receipt of the original restricted license by successfully completing the LSBD clinical licensure examination or by credentials, provided that where a holder of a restricted license has been so licensed without interruption since January 1, 1990, he may continue to hold a restricted license without the necessity of meeting the requirements for a general license.

C. - D. ...

E. Oral surgery residents who attend medical school as a requirement of their residency training may keep their restricted license active during medical school, but may only work in the hospital, or its affiliates sponsoring the residency.

F. ...

G. All LSU system faculty must possess either a restricted or unrestricted license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:571 (June 1995), amended LR 22:23 (January 1996), LR 23:1529 (November 1997), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 38:2770 (November 2012).

#### **§120. Temporary Licenses**

A. Under R.S. 37:760(6), the board is authorized to issue licenses in conformity with the Louisiana Dental Practice Act. However, under R.S. 37:752(8), dental hygienists may obtain a temporary license without satisfying all licensing requirements of the Louisiana Dental Practice Act provided the applicant applies for a full license by providing satisfactory documentation that the applicant is duly licensed in another state in good standing and applies for licensure by credentials for the nearest scheduled board meeting. Under no circumstances shall a temporary license awarded to a dental hygienist be in effect for any period longer than five months.

B. In order to protect the public and to avoid abuses of this exemption, the Louisiana State Board of Dentistry shall not award a temporary license to any dentist under the provisions of R.S. 37:752(8).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 33:2652 (December 2007), LR 38:2771 (November 2012).

#### **§124. Guidelines for Returning to Active Practice**

A. ...

B. In all cases where a dentist or dental hygienist has not practiced their profession due to a problem concerning unprofessional conduct, substance abuse, criminal activity, or other issues concerning moral turpitude, said dentist or dental hygienist may be assessed by a psychiatrist or psychologist of the board's choosing to determine remediability. The cost of the assessment shall be borne by the dentist or dental hygienist.

C. - D. ...

E. In all cases where a license has been suspended for a period of three months or more, the dentist or dental hygienist shall successfully complete a course in ethics as determined by the board in addition to any other requirements at the discretion of the board.

F. - F.14. ...

15. ethics;
16. oral surgery;
17. orthodontics.

G. - H. ...

I. When a license has been inactive for one year or greater, the licensee must submit to a fingerprint background check.

J. When a licensee has been inactive for one year or greater, the licensee will be required to successfully pass an examination administered by the board testing the licensee's knowledge of the Louisiana Dental Practice Act and the jurisprudence affecting same. In addition, within 120 days of the reinstatement of a license or the licensee's return to active practice, the licensee will be required to complete

one-half of the continuing education requirement for relicensure as described in §§1611 and 1613. The continuing education courses shall include a board-approved cardiopulmonary resuscitation course.

K. In all cases, the board has the discretion to prescribe any course of remediation it deems fit and proper, including, but not limited to, requiring further education at a dental or dental hygiene school, participation in mini-residencies, or practicing only under the direct supervision of other licensed dentists.

L. Any dentist or dental hygienist who is authorized to return to active practice with restrictions or requirements on their license who do not completely satisfy said requirements or restrictions shall be subject to sanctions, including, but not limited to, revocation of their license whether or not a complaint has been received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 25:511 (March 1999), amended LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 38:2771 (November 2012).

Peyton Burkhalter  
Executive Director

1211#042

#### **RULE**

#### **Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services**

#### **Home and Community-Based Services Waivers Standards for Participation (LAC 50:XXI.101 and 103)**

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have repealed LAC 50:XXI.Chapter 1 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers**

#### **Subpart 1. General Provisions**

#### **Chapter 1. Standards for Participation**

#### **§101. Provider Requirements**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:1829 (September 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:2771 (November 2012).

#### **§103. Agency Responsibilities**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:1833 (September 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:2771 (November 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein  
Secretary

1211#101

## RULE

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Non-Rural, Non-State Public Hospitals  
Supplemental Payments (LAC 50:V.963)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:V.963 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospital Services

#### Chapter 9. Non-Rural, Non-State Hospitals

#### Subchapter B. Reimbursement Methodology

#### §963. Public Hospitals

A. ...

B. Effective for dates of service on or after August 1, 2012, quarterly supplemental payments will be issued to qualifying non-rural, non-state public hospitals for inpatient services rendered during the quarter. Payment amounts shall be reimbursed up to the Medicare inpatient upper payment limits as determined in accordance with 42 CFR §447.272.

1. Qualifying Criteria. In order to qualify for the quarterly supplemental payment, the non-rural, non-state public acute care hospital must:

a. be designated as a major teaching hospital by the department in state fiscal year 2011 (as of May 15, 2011) and have provided at least 17,000 Medicaid acute care and distinct part psychiatric unit paid days for state fiscal year 2010 dates of service; or

b. effective for dates of service on or after August 1, 2012, be located in a city with a population of over 300,000 as of the 2010 U.S. Census.

C. Each qualifying hospital shall receive quarterly supplemental payments for the inpatient services rendered during the quarter. Quarterly payments shall be the difference between each qualifying hospital's inpatient

Medicaid billed charges and Medicaid payments the hospital receives for covered inpatient services provided to Medicaid recipients. Medicaid billed charges and payments will be based on a 12 consecutive month period for claims data selected by the department.

D. With respect to qualifying hospitals that are enrolled in Medicaid after December 1, 2013, projected Medicaid utilization and claims data submitted by the hospital and confirmed by the department as reasonable will be used as the basis for making quarterly supplemental payments during the hospital's start-up period.

1. For purposes of these provisions, the start-up period shall be defined as the first three years of operation.

2. During the start-up period, the department shall verify that supplemental payments do not exceed the inpatient charge differential based on each state fiscal year's claims data and shall recoup amounts determined to have been overpaid.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2772 (November 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein  
Secretary

1211#102

## RULE

### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Reimbursement Methodology  
Medical Education Payments  
(LAC 50:V.551, 967 and 1331)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:V.551, §967 and §1331 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospital Services

#### Chapter 5. State Hospitals

#### Subchapter B. Reimbursement Methodology

#### §551. Acute Care Hospitals

A. - D. ...

E. Effective for dates of service on or after February 1, 2012, medical education payments for inpatient services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be paid monthly by Medicaid as interim lump sum payments.

1. Hospitals with qualifying medical education programs shall submit a listing of inpatient claims paid each month by each MCO.

a. *Qualifying Medical Education Programs*—graduate medical education, paramedical education, and nursing schools.

2. Monthly payments shall be calculated by multiplying the number of qualifying inpatient days times the medical education costs included in each state hospital's interim per diem rate as calculated per the latest filed Medicaid cost report.

3. Final payment shall be determined based on the actual MCO covered days and allowable inpatient Medicaid medical education costs for the cost reporting period per the Medicaid cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1241 (May 2012), amended LR 38:2772 (November 2012).

## **Chapter 9. Non-Rural, Non-State Hospitals**

### **Subchapter B. Reimbursement Methodology**

#### **§967. Children's Specialty Hospitals**

A. - H. ...

I. Effective for dates of service on or after February 1, 2012, medical education payments for inpatient services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be paid by Medicaid monthly as interim lump sum payments.

1. Hospitals with qualifying medical education programs shall submit a listing of inpatient claims paid each month by each MCO.

a. *Qualifying Medical Education Programs*—graduate medical education, paramedical education, and nursing schools.

2. Monthly payments shall be calculated by multiplying the number of qualifying inpatient days times the medical education costs included in each children's specialty hospital's interim per diem rate as calculated per the latest filed Medicaid cost report.

3. Final payment shall be determined based on the actual MCO covered days and medical education costs for the cost reporting period per the Medicaid cost report. Reimbursement shall be at the same percentage that is reimbursed for fee-for-service covered Medicaid costs after application of reimbursement caps as specified in §967.A-C and reductions specified in §967.F-H.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2562 (November 2010), amended LR 37:2162 (July 2011), LR 38:2773 (November 2012).

## **Chapter 13. Teaching Hospitals**

### **Subchapter B. Reimbursement Methodology**

#### **§1331. Acute Care Hospitals**

A. - E. ...

F. Effective for dates of service on or after February 1, 2012, medical education payments for inpatient services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be paid monthly by Medicaid as interim lump sum payments.

1. Hospitals with qualifying medical education programs shall submit a listing of inpatient claims paid each month by each MCO.

a. *Qualifying Medical Education Programs*—graduate medical education, paramedical education, and nursing schools.

2. Qualifying hospitals must have a direct medical education add-on component included in their prospective Medicaid per diem rates as of January 31, 2012 which was carved out of the per diem rate reported to the MCOs.

3. Monthly payments shall be calculated by multiplying the number of qualifying inpatient days submitted by the medical education costs component included in each hospital's fee-for-service prospective per diem rate. Monthly payment amounts shall be verified by the department semi-annually using reports of MCO covered days generated from encounter data. Payment adjustments or recoupments shall be made as necessary based on the MCO encounter data reported to the department.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:877 (May 2008), LR 38:2773 (November 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein  
Secretary

1211#103

## **RULE**

### **Department of Health and Hospitals Bureau of Health Services Financing**

Outpatient Hospital Services  
State-Owned Hospitals  
Medical Education Payments  
(LAC 50:V.5319, 5519, 5919 and 6127)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:V.5319, §5519, §5919 and has amended §6127 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part V. Hospital Services**

##### **Subpart 5. Outpatient Hospital Services**

#### **Chapter 53. Outpatient Surgery**

##### **Subchapter B. Reimbursement Methodology**

#### **§5319. State-Owned Hospitals**

A. Effective for dates of service on or after February 10, 2012, medical education payments for outpatient surgery services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be reimbursed by



Medicaid annually through the Medicaid cost report settlement process.

1. For purposes of these provisions, qualifying medical education programs are defined as graduate medical education, paramedical education, and nursing schools.

2. Final payment shall be determined based on the actual MCO covered outpatient surgery services and Medicaid medical education costs for the cost reporting period per the Medicaid cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2773 (November 2012).

#### **Chapter 55. Clinic Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§5519. State-Owned Hospitals**

A. Effective for dates of service on or after February 10, 2012, medical education payments for outpatient clinic services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be reimbursed by Medicaid annually through the Medicaid cost report settlement process.

1. Qualifying medical education programs are defined as graduate medical education, paramedical education, and nursing schools.

2. Final payment shall be determined based on the actual MCO covered outpatient clinic services and Medicaid medical education costs for the cost reporting period per the Medicaid cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2774 (November 2012).

#### **Chapter 59. Rehabilitation Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§5919. State-Owned Hospitals**

A. Effective for dates of service on or after February 10, 2012, medical education payments for outpatient rehabilitation services which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be reimbursed by Medicaid annually through the Medicaid cost report settlement process.

1. Qualifying medical education programs are defined as graduate medical education, paramedical education, and nursing schools.

2. Final payment shall be determined based on the actual MCO covered outpatient rehabilitation services and Medicaid medical education costs for the cost reporting period per the Medicaid cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2774 (November 2012).

#### **Chapter 61. Other Outpatient Hospital Services**

##### **Subchapter B. Reimbursement Methodology**

###### **§6127. State-Owned Hospitals**

A. ...

B. Effective for dates of service on or after February 10, 2012, medical education payments which are reimbursed by a prepaid risk-bearing managed care organization (MCO) shall be reimbursed by Medicaid annually through the

Medicaid cost report settlement process to state-owned hospitals for outpatient hospital services other than outpatient surgery services, clinic services, laboratory services, and rehabilitation services.

1. Qualifying medical education programs are defined as graduate medical education, paramedical education, and nursing schools.

2. Final payment shall be determined based on the actual MCO covered outpatient services and Medicaid medical education costs for the cost reporting period per the Medicaid cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:957 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2774 (November 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein  
Secretary

1211#104

#### **RULE**

##### **Department of Health and Hospitals Bureau of Health Services Financing**

Surveillance and Utilization Review Subsystem  
(LAC 50:I.Chapter 41)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:I.Chapter 41 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:95, et seq.

#### **Title 50**

##### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

###### **Part I. Administration**

###### **Subpart 5. Provider Fraud and Recovery**

###### **Chapter 41. Surveillance and Utilization Review Subsystem (SURS)**

###### **Subchapter A. General Provisions**

###### **§4101. Foreword**

A. The Medical Assistance Program is a four-party arrangement: the taxpayer; the government; the beneficiaries; and the providers. The secretary of the Department of Health and Hospitals (DHH), through this Chapter 41, recognizes:

1. the obligation to the taxpayers to assure the fiscal and programmatic integrity of the Medical Assistance Program. The secretary has zero tolerance for fraudulent, willful, abusive or other ill practices perpetrated upon the Medical Assistance Program by providers, providers-in-fact and others, including beneficiaries. Such practices will be vigorously pursued to the fullest extent allowed under the applicable laws and regulations; and

2. the responsibility to assure that actions brought in pursuit of providers, providers-in-fact and others, including beneficiaries, under this regulation are not frivolous, vexatious or brought primarily for the purpose of harassment. Providers, providers-in-fact and others, including beneficiaries, must recognize that they have an obligation to obey and follow all applicable laws, regulations, policies, criteria, and procedures.

3. Repealed.

B. - B.3. ...

4. establish the procedures to be used when sanctioning or otherwise restricting a provider and others under the Medicaid Program.

C. The purpose of this regulation is to assure the quality, quantity, and need for such goods, services, and supplies and to provide for the sanctioning of those who do not provide adequate goods, services, or supplies or request payment or reimbursement for goods, services, or supplies which do not comply with the requirements of federal laws, federal regulations, state laws, state regulations, or the rules, procedures, criteria or policies governing providers and others under the Medicaid Program.

D. A further purpose of this regulation is to assure the integrity of the Medicaid Program by providing methods and procedures to:

1. - 6. ...

E. Nothing in this Chapter 41 is intended, nor shall it be construed, to grant any person any right to participate in the Medicaid Program which is not specifically granted by federal law or the laws of this state or to confer upon any person's rights or privileges which are not contained within this regulation.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:584 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2774 (November 2012).

### §4103. Definitions

A. The following specific terms shall apply to all those participating in the Medicaid Program, either directly or indirectly, and shall be applied when making any and all determinations related to this and other departmental regulations, rules, policies, criteria, and procedures applicable to the Medicaid program and its programs.

\*\*\*

*Claim*—any request or demand, including any and all documents or information required by federal or state law or by rule made against Medical Assistance Program funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. Each claim may be treated as a separate claim, or several claims may be combined to form one claim.

*Claims or Payment Review*—the process of reviewing documents or other information or sources required or related to the payment or reimbursement to a provider by the department, the department's contractor(s), BHSF, SURS, or the fiscal intermediary in order to determine if the bill or

claim should be or should have been paid or reimbursed. Payment and claim reviews are the same process.

\*\*\*

*Corrective Action Plan*—a written plan, short of an administrative sanction, agreed to by a provider, provider-in-fact or other person with the department, BHSF, or Program Integrity designed to remedy any inefficient, aberrant or prohibited practices by a provider, provider-in-fact or other person. A *corrective action* plan is not a sanction.

*Credible Allegation of Fraud*—

a. an allegation which has been verified by BHSF or Program Integrity, from any source, including, but not limited to the following:

- i. fraud hotline complaints;
- ii. claims data mining;
- iii. patterns identified through provider audits, civil false claims case; and
- iv. law enforcement investigations;

b. allegations are considered to be credible when they have indicia of reliability and BHSF or Program Integrity has reviewed all allegations, facts, and evidence carefully and acts judiciously on a case-by-case basis.

\*\*\*

*Director of Bureau of Health Services Financing*—the director of BHSF or authorized designee.

\*\*\*

*Exclusion from Participation*—a sanction that terminates a provider, provider-in-fact or other person from participation in the Medicaid Program, and cancels the provider's provider agreement.

a. ...

b. A provider, provider-in-fact, or any other person who is excluded may not be a provider or provider-in-fact, agent of a provider, or affiliate of a provider or have a direct or indirect ownership in any provider during their period of exclusion.

*False or Fraudulent Claim*—a claim which the provider or his billing agent submits knowing the claim to be false, fictitious, untrue, or misleading in regard to any material information. *False or fraudulent claim* shall include a claim which is part of a pattern of incorrect submissions in regard to material information or which is otherwise part of a pattern in violation of applicable federal or state law, rule, or policy.

\*\*\*

*Finalized Sanction or Final Administrative Adjudication or Order*—a final order imposed pursuant to an administrative adjudication that has been signed by the Secretary or the secretary's authorized designee.

*Fiscal Agent or Fiscal Intermediary*—an organization or legal entity with whom the department contracts to provide for the processing, review of or payment of provider bills and claims.

\*\*\*

*Indirect Ownership*—the owner has an ownership interest in the provider through some other entity, whether said ownership interest, at any level, is in whole or in part.

\*\*\*

*Informal Hearing*—an informal conference between the provider, provider-in-fact, or other persons and the director of Program Integrity or his/her designee related to a notice

of corrective action, notice of withholding of payments or notice of sanction.

*Investigator* or *Analyst*—any person authorized to conduct investigations on behalf of the department, BHSE, Program Integrity, SURS, or the fiscal intermediary, either through employment or contract for the purposes of payment or programmatic review.

\* \* \*

*Law*—any written constitution, statutory laws, rules, collection of rules, or code prescribed under the authority of the governments of the state of Louisiana or the United States.

*Louisiana Administrative Code* (LAC)—the *Louisiana Administrative Code*.

\* \* \*

*Medical Assistance Program* or *Medicaid*—the *Medical Assistance Program* (Title XIX of the Social Security Act), commonly referred to as *Medicaid*, and other programs operated by and funded in the department, which provide payment to providers.

\* \* \*

*Policies, Criteria* or *Procedure*—those things established or provided for through departmental manuals, provider updates, remittance advice, memorandums, or bulletins issued by the Medical Assistance Program or the department.

\* \* \*

*Provider Agreement*—the document(s) signed by or on behalf of the provider and those things established or provided for in R.S. 46:437.11-437.14 or by rule, which enrolls the provider in the Medical Assistance Program or one or more of its programs and grants to the provider a provider number and the privilege to participate in the Medicaid Program or one or more of its programs.

*Provider Enrollment*—the process through which a person becomes enrolled in the Medical Assistance Program or one of its programs for the purpose of providing goods, services, or supplies to one or more Medicaid recipients.

*Provider-in-Fact*—person who directly or indirectly participates in management decisions, has an ownership interest in the provider, or other persons defined as a *provider-in-fact* by federal or state law or by rule. A person is presumed to be a *provider-in-fact* if the person is:

- a. - f. ...
- g. an agent of the provider or a billing.

\* \* \*

*Recovery*—the collection of overpayments, damages, fines, penalties, costs, expenses, restitution, attorney fees, interest, or settlement amounts.

*Referring Provider*—any provider, provider-in-fact or anyone operating on the provider's behalf who refers a recipient to another person for the purpose of providing goods, services, or supplies.

\* \* \*

*Statistical Sample*—a statistical formula and sampling technique used to produce a statistical extrapolation of the amount of overpayment made to a provider.

\* \* \*

*Surveillance and Utilization Review Subsystem* (SURS)—the section within the department assigned to identify providers for review, conduct payment reviews, and sanction providers resulting from payments to and claims from providers, and any other functions or duties assigned by the secretary.

*Suspension from Participation*—Repealed.

*Terms of the Provider Agreement*—Repealed.

\* \* \*

*Withhold Payment*—to reduce or adjust the amount, in whole or in part, to be paid to a provider for pending or future claims during the time of a criminal, civil, or departmental investigation, departmental proceeding, or claims review of the provider.

\* \* \*

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:584 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2775 (November 2012).

#### §4105. Material

A. The secretary of the Department of Health and Hospitals establishes the following definitions of material.

1. For the purpose of R.S. 46:438.8 as required under R.S. 46:438.8(D), in determining whether a pattern of incorrect submissions exists in regards to an alleged false or fraudulent claim the incorrect submissions must be 5 percent or more of the total claims submitted, or to be submitted, by the provider during the period covered in the civil action filed or to be filed. The total amount of claims for the purpose of this provision is the total number of claims submitted, or to be submitted, by the provider during the period of time and type or kind of claim which is the subject of the civil action under R.S. 46:438.8.

2. Statistically valid sampling techniques may be used by either party to prove or disprove whether the pattern was material.

3. Repealed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2776 (November 2012).

#### §4107. Statistical Sampling

A. ...

B. A valid sampling technique may be used to produce an extrapolation of the amount of overpayment made to a provider or to show the number of violations committed by a provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2776 (November 2012).

## **Subchapter B. Prepayment or Post-Payment Claims Review**

### **§4115. Departmental and Provider Obligations**

A. The department, through the secretary, has an obligation, imposed by federal and state laws and regulations, to:

1. ...

a. Payments made by the Medicaid Program are subject to review by DHH, Program Integrity Division, a contractor to DHH, or the fiscal intermediary at anytime to ensure the quality, quantity, and need for goods, services, or supplies provided to or for a recipient by a provider;

b. it is the function of the Program Integrity Division (PID) and the Surveillance and Utilization Review Subsystem (SURS) to provide for and administer the utilization review process within the department;

2. ...

3. recognize the need to obtain advice from applicable professions and individuals concerning the standards to be applied under this Chapter;

4. recognize the right of each individual to exercise all rights and privileges afforded to that individual under the law including, but not limited to, the right to counsel as provided under the applicable laws.

5. Repealed.

B. Providers have no right to receive payment for bills or claims submitted to BHSF or its fiscal intermediary. Providers only have a right to receive payment for valid claims. Payment of a bill or claim does not constitute acceptance by the department or its fiscal intermediary that the bill or claim is a valid claim. The provider is responsible for maintaining all records necessary to demonstrate that a bill or claim is in fact a valid claim. It is the provider's obligation to demonstrate that the bill or claim submitted was for goods, services, or supplies:

1. ...

2. were medically necessary;

3. were provided by, or authorized by, an individual with the necessary qualifications to make that determination; and

4. - 5. ...

C. The provider must maintain and make available for inspection all documents required to demonstrate that a bill or claim is a valid claim. Failure on the part of the provider to adequately document means that the goods, services, or supplies will not be paid for or reimbursed by the Medicaid program.

D. ...

E. Providers, providers-in-fact and others, including recipients, must recognize that they have an obligation to obey and follow all applicable laws, regulations, policies, criteria, and procedures. In the case of an action brought for incorrect submissions, providers and providers-in-fact recognize the department may impose judicial interest on any outstanding recovery or recoupment, or reasonable cost and expenses incurred as the direct result of the investigation or review, including, but not limited to, the time and

expenses incurred by departmental employees or agents and the fiscal intermediary's employees or agents.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2777 (November 2012).

### **§4117. Claims Review**

A. ...

#### **1. Prepayment Review**

a. Upon concurrence of the director of BHSF and the director of Program Integrity, bills or claims submitted by a provider may be reviewed by BHSF, its contractor(s), or its fiscal intermediary prior to the issuing of or denial of payment or reimbursement.

b. If, during the prepayment review process, it is determined that the provider may be overpaid, BHSF, its contractor(s), or its fiscal intermediary must conduct an investigation to determine the reasons for and estimates of the amount of the potential overpayments.

i. If it is determined that evidence exists which would lead the director of BHSF and the director of Program Integrity to believe that the provider, provider-in-fact, agent of the provider, or affiliate of the provider has engaged in fraudulent, false, or fictitious billing practices or willful misrepresentation, current and future payments shall be withheld, suspended, or zero paid.

ii. If it is determined that evidence exists which would lead the director of BHSF and the director of Program Integrity to believe that overpayments may have occurred through reasons other than fraudulent, false or fictitious billing or willful misrepresentation, current and future payments may be withheld, suspended, or zero paid.

c. Prepayment review is not a sanction and cannot be appealed nor is it subject to an informal hearing. In the case of an ongoing criminal or outside governmental investigation, information related to the investigation shall not be disclosed to the provider, provider-in-fact or other person unless release of such information is otherwise authorized or required under law. Denials or refusals to pay individual bills or claims that are the result of the edit and audit system are not withholdings of payments.

d. ...

#### **2. Post-payment Review**

a. Providers have a right to receive payment only for those bills that are valid claims. A person has no property interest in any payments or reimbursements from Medicaid, which are determined to be an overpayment or are subject to payment review. After payment to a provider, BHSF, its contractor(s), or its fiscal intermediary may review any or all payments made to a provider for the purpose of determining if the amounts paid were for valid claims.

b. If, during the post-payment review process, it is determined that the provider may have been overpaid, BHSF, its contractor(s), or its fiscal intermediary must conduct an investigation to determine the reasons for and estimated amounts of the alleged overpayments.

i. If it is determined that evidence exists that would lead the director of BHSF and the director of Program

Integrity to believe that the provider, provider-in-fact, agent of the provider, or affiliate of the provider may have engaged in fraudulent, false, or fictitious billing practices or willful misrepresentation, current and future payments shall be withheld, suspended and/or zero paid.

ii. If it is determined that evidence exists that overpayments may have occurred through reasons other than fraud or willful misrepresentation, current and future payments may be withheld, suspended and/or zero paid.

c. Post-payment review resulting in a sanction(s) is appealable and subject to an informal hearing. In the case of an ongoing criminal or outside government investigation, information related to the investigation shall not be disclosed to the provider, provider-in-fact or other person. Denials or refusals to pay individual bills that are the result of the edit and audit system are not withholdings of payments.

d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:588 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2777 (November 2012).

#### **§4119. Claims Review Scope and Extent**

A. ...

B. The length of time a provider is on prepayment or post-payment review shall be at the sole discretion of the director of BHSF and the director of Program Integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

#### **Subchapter C. Investigations**

##### **§4127. Formal or Informal Investigations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

##### **§4129. Investigations**

A. An investigation may be initiated without cause and requires no justification. The provider and provider-in-fact of the provider have an affirmative duty to cooperate fully with the investigation. The provider and provider-in-fact shall:

1. make all records requested as part of the investigation available for review or copying including, but not limited to, any financial or other business records of the provider or any or all records related to the recipients;

2. make available all agents and affiliates of the provider for the purpose of being interviewed during the course of the investigation at the provider's ordinary place of business or any other mutually agreeable location; and

3. allow the department to take statements from the provider, provider-in-fact, agents of the provider, and any affiliates of the provider, as well as any recipients who have received goods, services, or supplies from the provider or whom the provider has claimed to have provided goods, services, or supplies.

B. The provider and provider-in-fact of the provider have an affirmative duty to cooperate fully with the department and the department's agents, including full and truthful disclosure of all information requested and questions asked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

##### **§4131. Formal Investigatory Process**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

##### **§4133. Investigatory Discussion**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

##### **§4135. Written Investigatory Reports**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:590 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

#### **Subchapter D. Conduct**

##### **§4147. Violations**

A. The following is a list of violations.

1. Failure to comply with any or all federal or state laws, regulations, policy, or rules applicable to the Medical Assistance Program or a program of the Medical Assistance Program in which the provider, provider-in-fact, agent of the provider, billing agent, affiliate or other person is participating.

a. - b. ...

c. Requirements or conditions imposed by a regulation can only be waived, modified, or changed through formal promulgation of a new or amended regulation, unless authority to do so is specifically provided for in the regulation.

d. Providers, providers-in-fact are required and have an affirmative duty to fully inform all their agents and

affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of the applicable laws, regulations, or rules.

e. Providers, providers-in-fact, agents of providers, billing agents, and affiliates of providers are presumed to know the law, regulations, or rules. Ignorance of the applicable laws, regulations, or rules is not a defense to any administrative action.

2. Failure to comply with any or all policies, criteria, or procedures of the Medical Assistance Program or the applicable program of the Medical Assistance Program in which the provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider is participating.

a. Policies, criteria, and procedures are contained in program manuals, training manuals, remittance advice, provider updates or bulletins issued by or on behalf of the secretary or director of BHSF.

b. Policies, criteria, and procedures can be waived, amended, clarified, repealed, or otherwise changed, either generally or in specific cases, only by the secretary, undersecretary, deputy secretary, or director of BHSF.

c. Such waivers, amendments, clarifications, repeals, or other changes must be in writing and state that it is a waiver, amendment, clarification, or change in order to be effective.

d. Notice of the policies, criteria, and procedures of the Medical Assistance Program and its programs are provided to providers upon enrollment and receipt of a provider number. It is the duty of the provider to obtain the policies, criteria, and procedures which are in effect while they are enrolled in the Medical Assistance Program.

e. Waivers, amendments, clarifications, repeals, or other changes may be mailed to the provider at the address given to BHSF or the fiscal intermediary by the provider for the express purpose of receiving such notifications. Waivers, amendments, clarifications, repeals, or other changes may also be posted on a BHSF or the fiscal intermediary's website for the express purpose of the provider receiving such notifications.

i. It is the duty of the provider to provide the above address and make arrangements to receive these mailings through that address. This includes the duty to inform BHSF or the fiscal intermediary of any changes in the above address prior to actual change of address. It is also the duty of the provider to check the BHSF or the fiscal intermediary's website to obtain policies, criteria, or procedures.

ii. Mailing to the provider's last known address or the posting to a BHSF or the fiscal intermediary's website of a manual, new manual pages, provider updates, bulletins, memorandums, or remittance advice creates a reputable presumption that the provider received it. The burden of proving lack of notice of policy, criteria, or procedure or waivers, amendments, clarifications, repeals, or other changes in same is on the party asserting it.

iii. Providers and providers-in-fact are presumed to know the applicable policies, criteria, and procedures and any or all waivers, amendments, clarifications, repeals, or other changes to the applicable rules, policies, criteria, and procedures which have been mailed to the address provided by the provider or posted to a BHSF or the fiscal

intermediary's website for the purpose of receiving notice of same.

iv. Ignorance of an applicable policy, criteria, or procedure or any and all waivers, amendments, clarifications, repeals, or other changes to applicable policies, criteria, and procedures is not a defense to an administrative action brought against a provider or provider-in-fact.

f. Providers and providers-in-fact are required and have an affirmative duty to fully inform all of their agents and affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of the applicable policies, criteria, and procedures and any waivers, amendments, clarifications, repeals, or other changes in applicable policies, criteria, or procedures.

3. Failure to comply with one or more of the terms or conditions contained in the provider's provider agreement or any and all forms signed by or on behalf of the provider setting forth the terms and conditions applicable to participation in the Medical Assistance Program or one or more of its programs.

a. The terms or conditions of a provider agreement or those contained in the signed forms, unless specifically provided for by law or regulation or rule, can only be waived, changed, or amended through mutual written agreement between the provider and the secretary, undersecretary, deputy secretary or the director of BHSF. Those conditions or terms that are established by law or regulation or rule may not be waived, altered, amended, or otherwise changed except through legislation or rulemaking.

b. A waiver, change, or amendment to a term or condition of a provider agreement and any signed forms must be reduced to writing and be signed by the provider and the secretary, undersecretary, deputy secretary or the director of BHSF in order to be effective.

c. Such mutual agreements cannot waive, change, or amend the law, regulations, rules, policies, criteria, or procedures.

d. The provider and provider-in-fact are presumed to know the terms and conditions in their provider agreement and any signed forms related thereto, and any changes to their provider agreement or the signed forms related thereto.

e. The provider and provider-in-fact are required and have an affirmative duty to fully inform all their agents or affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of the terms and conditions contained in the provider agreement and the signed forms related thereto and any change made to them. Ignorance of the terms and conditions in the provider agreement or signed forms or any changes to them is not a defense.

i. The department, BHSF, or the fiscal intermediary may, from time to time, provide training sessions and consultation on the law, regulations, rules, policies, criteria, and procedures applicable to the Medical Assistance Program and its programs. These training sessions and consultations are intended to assist the provider, provider-in-fact, agents of providers, billing agents, and affiliates. Information presented during these training sessions and consultations do not necessarily constitute the official stands of the department and BHSF in regard to the

law, regulations, and rules, policies, or procedures unless reduced to writing in compliance with this Subpart.

f. - g. Repealed.

4. Making a false, fictitious, untrue, misleading statement or concealment of information during the application process or not fully disclosing all information required or requested on the application forms for the Medical Assistance Program, provider number, enrollment paperwork, or any other forms required by the department, BHSF, or its fiscal intermediary that is related to enrollment in the Medical Assistance Program or one of its programs, or failing to disclose any other information which is required under this regulation, or other departmental regulations, rules, policies, criteria, or procedures. This includes the information required under R.S.46:437.11-437.14. Failure to pay any fees or post security related to enrollment is also a violation of this Section.

a. The provider and provider-in-fact have an affirmative duty to inform BHSF in writing through provider enrollment of any and all changes in ownership, control, or managing employee of a provider and fully and completely disclose any and all administrative sanctions, withholding of payments, criminal charges, or convictions, guilty pleas, or no contest pleas, civil judgments, civil fines, or penalties imposed on the provider, provider-in-fact, agent of the provider, billing agent, or affiliates of the provider in this or any other state or territory of the United States.

i. Failure to do so within 10 working days of when the provider or provider-in-fact knew or should have known of such a change or information is a violation of this provision.

ii. If it is determined that a failure to disclose was willful or fraudulent, the provider's enrollment can be voided back to the date of the willful misrepresentation or concealment or fraudulent disclosure.

b. - d. Repealed.

5. Not being properly licensed, certified, or otherwise qualified to provide for the particular goods, services, or supplies provided or billed for or such license, certificate, or other qualification required or necessary in order to provide a good, service, or supply has not been renewed or has been revoked, suspended, or otherwise terminated is a violation of this provision. This includes, but is not limited to, professional licenses, business licenses, paraprofessional certificates, and licenses or other similar licenses or certificates required by federal, state, or local governmental agencies, as well as, professional or paraprofessional organizations or governing bodies which are required by the Medical Assistance Program. Failure to pay required fees related to licensure or certification is also a violation of this provision.

a - a.ii. Repealed.

6. Having engaged in conduct or performing an act in violation of official sanction which has been applied by a licensing authority, professional peer group, or peer review board or organization, or continuing such conduct following notification by the licensing or reviewing body that said conduct should cease.

7. Having been excluded or suspended from participation in Medicare. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded

or suspended from Medicare during the period of exclusion or suspension.

a. The provider and provider-in-fact after they knew, or should have known of same, have an affirmative duty to:

i. inform BHSF in writing of any such exclusions or suspensions on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been excluded or suspended from Medicare; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been excluded or suspended from Medicare.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents, or affiliates is a violation of §4147.A.4.

8. Having been excluded, suspended, or otherwise terminated from participation in Medicaid or other publicly funded health care or insurance programs of this state or any other state or territory of the United States. It is also a violation of this Section for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded, suspended, or otherwise terminated from participation in Medicaid or other publicly funded health care or health insurance programs of this state or another state or territory of the United States. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded from Medicaid or other publicly funded health care or health insurance programs of this state or any other state or territory of the United States during the period of exclusion or suspension.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. ...

ii. not hire, contract with, or affiliate with any person or entity who has been excluded or suspended from any Medicaid or other publicly funded health care or health insurance programs; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been excluded or suspended from any Medicaid or other publicly funded health care or health insurance programs.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents, or affiliates is a violation of §4147.A.4.

c. Repealed.

9. Having been convicted of, pled guilty, or pled no contest to a crime, including attempts or conspiracy to commit a crime, in federal court, any state court, or court in any United States territory related to providing goods, services, or supplies or billing for goods, services, or supplies under Medicare, Medicaid, or any other program involving the expenditure of public funds. It is also a violation for a provider to employ, contract with, or otherwise affiliate with any person who has been convicted of, pled guilty, or pled no contest to a crime, including

attempts to or conspiracy to commit a crime, in federal court, any state court, or court in any United States territory related to providing goods, services, or supplies or billing for goods, services, or supplies under Medicare, Medicaid, or any other program involving the expenditure of public funds.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. inform BHSF in writing of any such convictions, guilty pleas, or no contest plea to the above felony criminal conduct on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been convicted, pled guilty to, or pled no contest to the above felony criminal conduct; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been convicted, pled guilty to, or pled no contest to the above felony criminal conduct.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five year period, this provision is not violated. Criminal conduct which has been pardoned does not violate this provision.

10. Having been convicted of, pled guilty, or pled no contest in federal court, any state court, or court in any United States territory to criminal conduct involving the negligent practice of medicine or any other activity or skill related to an activity or skill performed by or billed by that person or entity under the Medical Assistance Program or one of its programs or which caused death or serious bodily, emotional, or mental injury to an individual under their care. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been convicted of, pled guilty, or pled no contest in federal court, any state court, or court in any United States territory to criminal conduct involving the negligent practice of medicine or any other activity or skill related to an activity or skill performed by or billed by that person or entity under the Medical Assistance Program or one of its programs or which caused death or serious bodily, emotional, or mental injury to an individual under their care.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. inform BHSF in writing of any such convictions, guilty plea, or no contest plea to the above criminal conduct on the part of the provider, provider-in-fact, their agents or affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been convicted, pled guilty to, or pled no contest to the above criminal conduct; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been convicted, pled guilty to, or pled no contest to the above criminal conduct.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the

provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five-year period, this provision is not violated. Criminal conduct which has been pardoned does not violate this provision.

11. Having been convicted of, pled guilty to, or pled no contest to, in any federal court, state court, or court in any territory of the United States to any of the following criminal conduct, attempt to commit or conspire to commit any of the following crimes:

a. bribery or extortion;

i. - iii. Repealed.

b. sale, distribution, or importation of a substance or item that is prohibited by law;

c. tax evasion or fraud;

d. money laundering;

e. securities or exchange fraud;

f. wire or mail fraud;

g. violence against a person;

h. act against the aged, juveniles or infirmed;

i. any crime involving public funds; or

j. other similar felony criminal conduct.

i. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

(a). inform BHSF in writing of any such criminal charges, convictions, or pleas on the part of the provider, provider-in-fact, their agents, or their affiliates;

(b). not hire, contract with, or affiliate with any person or entity who has engaged in any such criminal misconduct; and

(c). terminate any and all ownership, employment and contractual relationships with any person or entity that has engaged in any such criminal misconduct.

ii. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or their affiliates is a violation of §4147.A.4.

iii. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five-year period, this provision is not violated. Criminal conduct that has been pardoned does not violate this provision.

12. Being found in violation of or entering into a settlement agreement under this state's Medical Assistance Program Integrity Law, the Federal False Claims Act, Federal Civil Monetary Penalties Act, or any other similar civil statutes in this state, in any other state, United States or United States territory.

a. Relating to violations of this provision, the provider and provider-in-fact after they knew or should have known have an affirmative duty to:

i. inform BHSF in writing of any violations of this provision on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has violated this provision; and



iii. terminate any and all ownership, employment or contractual relationships with any person or entity that has violated this provision.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If a False Claims Act action or other similar civil action is brought by a Qui-Tam plaintiff, no violation of this provision has occurred until the defendant has been found liable in the action.

d. If five years have passed from the time a person is found liable or entered a settlement agreement under the False Claims Act or other similar civil statute and the conditions of the judgment or settlement have been satisfactorily fulfilled, no violation has occurred under this provision.

13. Failure to correct the deficiencies or problem areas listed in a notice of sanction, or failure to meet the provisions of a corrective action plan or failure to correct deficiencies in delivery of goods, services, or supplies after receiving written notice to do so from the secretary, director of BHSF, or director of Program Integrity.

a. - c. Repealed.

14. Having presented, causing to be presented, attempting to present, or conspiring to present false, fraudulent, fictitious, or misleading claims or billings for payment or reimbursement to the Medical Assistance Program through BHSF or its authorized fiscal intermediary for goods, services, or supplies, or in documents related to a cost report or other similar submission.

a. - i.iii. Repealed.

15. Engaging in the practice of charging or accepting payments, in whole or in part, from one or more recipients for goods, services, or supplies for which the provider has made or will make a claim for payment to the Medicaid Program, unless this prohibition has been specifically excluded within the program under which the claim was submitted or will be made, or the payment by the recipient is an authorized copayment or is otherwise specifically authorized by law or regulation. Having engaged in practices prohibited by R.S.46:438.2 or the federal anti-kickback or anti-referral statute is also a violation of this provision.

a. - d. Repealed.

16. Having rebated or accepted a fee or a portion of a fee or anything of value for a Medicaid recipient referral, unless this prohibition has been specifically excluded within the program or is otherwise authorized by statute or regulation, rule, policy, criteria, or procedure of the department through BHSF. Having engaged in practices prohibited by R.S. 46:438.2 or the federal anti-kickback or anti-referral statute is also a violation of this provision.

17. Paying to another a fee in cash or kind for the purpose of obtaining recipient lists or recipients names, unless this prohibition has been specifically excluded within the program or is otherwise authorized by statute or regulation, rule, policy, criteria or procedure of the department through BHSF. Using or possessing any recipient list or information, which was obtained through unauthorized means, or using such in an unauthorized

manner. Having engaged in practices prohibited by R.S. 46:438.2 or R.S. 46:438.4 or the federal anti-kickback or anti-referral statute.

18. Failure to repay or make arrangements to repay an identified overpayment or otherwise erroneous payment within 10 working days after the provider or provider-in-fact receives written notice of same. Failure to pay any and all administrative or court ordered restitution, civil money damages, criminal or civil fines, monetary penalties or costs or expenses is also a violation of this provision. Failure to pay any assessed provider fee or payment is also a violation of this provision.

19. Failure to keep or make available for inspection, audit, or copying records related to the Medicaid Program or one or more of its programs for which the provider has been enrolled or issued a provider number or has failed to allow BHSF or its fiscal intermediary or any other duly authorized governmental entity an opportunity to inspect, audit, or copy those records. Failure to keep records required by Medicaid or one of its programs until payment review has been conducted is also a violation of this provision.

20. Failure to furnish or arrange to furnish information or documents to BHSF within five working days after receiving a written request to provide that information to BHSF or its fiscal intermediary.

21. Failure to cooperate with BHSF, its fiscal intermediary or the investigating officer during the post-payment or prepayment process, investigative process, informal hearing or the administrative appeal process or any other legal process or making, or caused to be made, a false or misleading statement of a material fact in connection with the post-payment or prepayment process, corrective action, investigation process, informal hearing or the administrative appeals process or any other legal process. The exercising of a constitutional or statutory right is not a failure to cooperate. Requests for scheduling changes or asking questions are not grounds for failure to cooperate.

22. Making, or causing to be made, a false, fictitious or misleading statement or making, or caused to be made, a false, fictitious or misleading statement of a fact in connection with the administration of the Medical Assistance Program which the person knew or should have known was false, fictitious or misleading. This includes, but is not limited to, the following:

a. claiming costs for non-covered non-chargeable services, supplies, or goods disguised as covered items;

b. billing for services, supplies, or goods which are not rendered to person(s) who are eligible to receive the services, supplies, or goods;

c. misrepresenting dates and descriptions and the identity of the person(s) who rendered the services, supplies, or goods;

d. duplicate billing that are abusive, willful, or fraudulent;

e. upcoding of services, supplies, or goods provided;

f. misrepresenting a recipient's need or eligibility to receive services, goods, or supplies ;

g. improperly unbundling goods, services, or supplies for billing purposes;

h. misrepresenting the quality or quantity of services, goods, or supplies;

i. submitting claims for payment for goods, services, and supplies provided to non-recipients if the provider knew or should have known that the individual was not eligible to receive the good, supply, or service at the time the good, service, or supply was provided or billed;

j. furnishing or causing to be furnished goods, services, or supplies to a recipient which:

i. are in excess of the recipient's needs;

ii. were or could be harmful to the recipient;

iii. serve no real medical purpose;

iv. are of grossly inadequate or inferior quality;

v. were furnished by an individual who was not qualified under the applicable Medicaid Program to provide the good, service, or supply;

vi. the good, service, or supply was not furnished under the required programmatic authorization; or

vii. the goods, services, or supplies provided were not provided in compliance with the appropriate licensing or certification board's regulations, rules, policies, or procedures governing the conduct of the person who provided the goods, services, or supplies;

k. providing goods, services, or supplies in a manner or form that is not within the normal scope and range of the standards used within the applicable profession; or

l. billing for goods, services, or supplies in a manner inconsistent with the standards established in relevant billing codes or practices.

23. In the case of a managed care provider or provider operating under a voucher, notwithstanding any contractual agreements to the contrary, failure to provide all medically necessary goods, services, or supplies of which the recipient is in need of and entitled to.

24. Submitting bills or claims for payment or reimbursement to the Medicaid Program through BHSF or its fiscal intermediary on behalf of a person or entity which is serving out a period of suspension or exclusion from participation in the Medical Assistance Program or one of its programs, Medicare, publicly funded health care, or publicly funded health insurance program in any other state or territory of the United States.

25. Engaging in a systematic billing practice which is abusive or fraudulent and which maximizes the costs to the Medicaid Program after written notice to cease such billing practice(s).

a. - l. Repealed.

26. Failure to meet the terms of an agreement to repay or settlement agreement entered into under this state's Medical Assistance Program Integrity Law or this regulation.

27. - 30.c.iii. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:590 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2778 (November 2012).

#### **§4149. Scope of a Violation**

A. Violations may be imputed in the following manner.

1. - 3. ...

4. The provider and provider-in-fact are responsible for the conduct of any and all officers, employees, contractors, or agents of the provider. The conduct of these persons or entities may be imputed to the provider or provider-in-fact.

5. - 10. ...

11. A recoupment, fine, recovery or penalty, which is owed to the department by a provider or provider-in-fact, can be imputed to a group and/or entity to which the provider or provider-in-fact is linked.

B. Attributing, imputing, extension or imposing under this provision shall be done on a case-by-case basis with written reasons for same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:596 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2783 (November 2012).

#### **§4151. Types of Violation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:597 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2783 (November 2012).

#### **§4153. Elements**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:597 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2783 (November 2012).

#### **Subchapter E. Administrative Sanctions, Procedures and Processes**

##### **§4161. Sanctions for Prohibited Conduct**

A. Any or all of the following sanctions may be imposed for any one or more of the above listed kinds of prohibited conduct, except as provided for in this Chapter 41:

1. issue a warning to a provider or provider-in-fact or other person through written notice;

2. ...

3. require that the provider or provider-in-fact receive prior authorization for any or all goods, services or supplies under the Medicaid Program or one or more of its programs;

4. ...

5. require a provider or provider-in-fact to post a bond or other security or increase the bond or other security already posted as a condition of continued enrollment in the Medicaid Program or one or more of its programs;

6. require that a provider terminate its association with a provider-in-fact, agent of the provider, or affiliate as a condition of continued enrollment in the Medicaid Program or one or more of its programs;

7. prohibit a provider from associating, employing or contracting with a specific person or entity as a condition of continued participation in the Medicaid Program or one or more of its programs;

8. - 13. ...

14. exclusion from the Medicaid Program or one or more of its programs;

15. suspension from the Medicaid Program or one or more of its programs pending the resolution of the department's administrative appeals process;

16. require the forfeiture of a bond or other security;

17. impose an arrangement to repay;

18. impose monetary penalties not to exceed \$10,000;  
or

19. impose withholding of payments.

20. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:598 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2783 (November 2012).

#### **§4163. Scope of Sanctions**

A. Sanction(s) imposed can be extended to other persons or entities and to other provider numbers held, or obtained by the provider in the following manner.

1. ...

2. Sanction(s) imposed on an agent of the provider or affiliate of the provider may be imposed on the provider or provider-in-fact if it can be shown that the provider or provider-in-fact knew or should have known about the violation(s) and failed to report the violation(s) to BHSF in a timely manner.

3. - 4. ...

5. Sanction(s) imposed on a person remains in effect unless and until its terms and conditions are fully satisfied. The terms and conditions of the sanction(s) remain in effect in the event of the sale or transfer of ownership of the sanctioned provider.

a. The entity or person who obtains an interest in, merges with or otherwise consolidates with a sanctioned provider assumes liability and responsibility for the sanctions imposed on the purchased provider including, but not limited to, all recoupments or recovery of funds or arrangements to repay that the entity or person knew or should have known about.

b. ...

c. Repealed.

B. Exclusion from participation in the Medicaid Program precludes any such person from submitting claims for payment, either personally or through claims submitted by any other person or entity, for any goods, services, or supplies provided by an excluded person or entity. Any payments, made to a person or entity which are prohibited by this provision, shall be immediately repaid to the Medical Assistance Program through BHSF by the person or entity which received the payments.

C. No provider shall submit claims for payment to the department or its fiscal intermediary for any goods, services, or supplies provided by a person or entity within that provider who has been excluded from the Medical Assistance Program or one or more of its programs for goods, services, or supplies provided by the excluded person or entity under the programs which it has been excluded from. Any payments, made to a person or entity, which are prohibited by this provision, shall be immediately repaid to the Medical Assistance Program through BHSF by the person or entity which received the payments.

D. When these provisions are violated, the person or entity which committed the violations may be sanctioned using any and all of the sanctions provided for in this Chapter.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:598 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2784 (November 2012).

#### **§4165. Imposition of Sanction(s)**

A. The decision as to the sanction(s) to be imposed shall be at the discretion of the director of BHSF or his/her designee and the director of Program Integrity except as provided for in this provision, unless the sanction is mandatory. In order to impose a sanction, the director of BHSF or his/her designee and the director of Program Integrity must concur. One or more sanctions may be imposed for a single violation. The imposition of one sanction does not preclude the imposition of another sanction for the same or different violations.

B. At the discretion of the director of BHSF or his/her designee and the director of Program Integrity, each occurrence of misconduct may be considered a violation or multiple occurrences of misconduct may be considered a single violation or any combination thereof.

C. - C.10. ...

D. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law)

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:599 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2784 (November 2012).

#### **§4167. Mandatory Sanctions**

A. Mandatory Exclusion from the Medical Assistance Program. Notwithstanding any other provision to the contrary, the director of BHSF and the director of Program Integrity have no discretion and shall exclude the provider, provider-in-fact or other person from the Medical Assistance Program if the violation involves one or more of the following:

1. ...

2. has been excluded from Medicare; or

3. ...

B. In these situations (Paragraphs A.1-3 above), the exclusion from the Medical Assistance Program is automatic and can be longer than, but not shorter in time than, the

sentence imposed in criminal court, the exclusion from Medicaid or Medicare or time provided to make payment.

1. - 2. ...

a. If the conviction is overturned, plea set aside, or exclusion or judgment is reversed on appeal, the mandatory exclusion from the Medical Assistance Program shall be removed.

b. - c. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:599 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2784 (November 2012).

#### **§4169. Effective Date of a Sanction**

A. All sanctions, except exclusion, are effective upon the issuing of the notice of the results of the informal hearing. The filing of a timely and adequate notice of administrative appeal does not suspend the imposition of a sanction(s), except that of exclusion. In the case of the imposition of exclusion from the Medicaid Program or one or more of its programs, the filing of a timely and adequate notice of appeal suspends the exclusion. A sanction becomes a final administrative adjudication if no administrative appeal has been filed, and the time for filing an administrative appeal has run. Or in the case of a timely filed notice of administrative appeal, a sanction(s) becomes a final administrative adjudication when the order on appeal has been entered by the secretary. In order for an appeal to be filed timely it must be sent to the Division of Administrative Law within 30 days from the date of receipt of the letter informing the person of the results of the informal discussion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:600 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2785 (November 2012).

#### **Subchapter F. Withholding**

##### **§4177. Withholding of Payments**

A. The director of BHSF or his/her designee and the director of Program Integrity may initiate the withholding of a portion of or all payments or reimbursements to be made to a provider for the purpose of protecting the interest and fiscal integrity of the Medicaid Program if, during the course of claims review, the director of BHSF or his/her designee and the director of Program Integrity have a reasonable expectation:

1. - 4. ...

B. Payments to the provider may be withheld if the director of BHSF or his/her designee and the director of Program Integrity has been informed in writing by a prosecuting authority that a provider or provider-in-fact:

1. has been formally charged or indicted for crimes; or  
a. - c. Repealed.

2. is being investigated for potential criminal activities which relate to the Medicaid Program or one or more of its programs or Medicare.

a. - b. Repealed.

C. If the director of BHSF or his/her designee and the director of Program Integrity has been informed in writing by any governmental agency or authorized agent of a governmental agency that a provider or a provider-in-fact is being investigated by that governmental agency or its authorized agent for billing practices related to any government funded health care program, payment may be withheld.

D. Withholding of payments may occur without first notifying the provider.

E. Notice of Withholding

1. The provider shall be sent written notice of the withholding of payments within five working days of the actual withholding of the first check that is the subject of the withholding. The notice shall set forth in general terms the reason(s) for the action, but need not disclose any specific information concerning any ongoing investigations nor the source of the allegations. The notice must:

a. state that payments are being withheld;

b. state that the withholding is for a temporary period and cite the circumstances under which the withholding will be terminated;

c. specify to which type of Medicaid claims withholding is effective;

d. inform the provider of its right to submit written documentation for consideration and to whom to submit that documentation; and

e. inform the provider of its right to an administrative appeal.

2. Failure to provide timely notice of the withholding to the provider or provider-in-fact may be grounds for dismissing or overturning the withholding.

F. Duration of Withholding

1. All withholding of payment actions under this Chapter will be temporary and will not continue after:

a. the director of BHSF or his/her designee and the director of Program Integrity has determined that insufficient information exists to warrant the withholding of payments;

b. recoupment or recovery of overpayments has been imposed on the provider;

c. the provider or provider-in-fact has posted a bond or other security deemed adequate to cover all past and future projected overpayments; and

d. the notice of the results of the informal hearing.

2. In no case shall withholding remain in effect past the issuance of the notice of the results of the informal hearing, unless the withholding is based on written notification by an outside agency that an active and ongoing criminal investigation is being conducted or that formal criminal charges have been brought. In that case, the withholding may continue for as long as the criminal investigation is active and ongoing or the criminal charges are still pending, unless adequate bond or other security has been posted with BHSF.

G. Amount of the Withholding

1. If the withholding of payment results from projected overpayments, then when determining the amount to be withheld, the ability of the provider to continue operations and the needs of the recipient serviced by the provider shall be taken into consideration by the director of BHSF and the director of Program Integrity. In the event that

a recipient cannot receive needed goods, services or supplies from another source, arrangements shall be made to assure that the recipient can receive goods, supplies, and services. The burden is on the provider to demonstrate that absent that provider's ability to provide goods, supplies, or services to that recipient, the recipient could not receive needed goods, supplies, or services. Such showing must be made at the informal hearing.

2. The amount of the withholding shall be determined by the director of BHSF or his/her designee and the director of Program Integrity. The provider should be notified of the amount withheld every 90 days from the date of the issuing of the Notice of Withholding until the withholding is terminated or the results of the informal hearing are issued, whichever comes first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:600 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2785 (November 2012).

### **Subchapter G. Suspension of Medicaid Payments Pending Investigation of Credible Allegations of Fraud**

#### **§4181. General Provisions**

##### **A. Basis for Suspension**

1. The director of BHSF and the director of Program Integrity must suspend all Medicaid payments to a provider after it determines there is a credible allegation of fraud for which an investigation is pending under the Medicaid Program against a provider unless it has good cause to not suspend payments or to suspend payment only in part.

2. The director of BHSF and the director of Program Integrity may suspend payments without first notifying the provider of its intention to suspend such payments.

3. A provider is entitled to an administrative review of the suspension of payment.

##### **B. Notice of Suspension**

1. The director of BHSF and the director of Program Integrity must send notice of its suspension of Medicaid payments within the following timeframes:

a. five days of taking such action unless requested in writing by a law enforcement agency to temporarily withhold such notice; and

b. 30 days if requested by law enforcement in writing to delay sending such notice, which request for delay may be renewed in writing up to twice and in no event may exceed 90 days.

2. The notice must include or address all of the following:

a. Medicaid payments are being suspended in accordance with 42 CFR 455.23;

b. set forth the general allegations as to the nature of the suspension action, but need not disclose any specific information concerning an ongoing investigation;

c. state that the suspension is for a temporary period, and cite the circumstances under which the suspension will be terminated;

d. specify, when applicable, to which type(s) of Medicaid claims or business units of a provider suspension is effective;

e. inform the provider of the right to submit written evidence for consideration by the director of BHSF and the director of Program Integrity; and

f. inform the provider of their right to a administrative appeal.

##### **C. Duration of Suspension**

1. All suspension of payment actions under this Section will be temporary and will not continue after either of the following:

a. legal proceedings related to the provider's alleged fraud are completed; or

b. the director of BHSF and the director of Program Integrity or the prosecuting authorities determine that there is insufficient evidence of fraud by the provider.

D. Good Cause Not to Suspend Payments. The director of BHSF and the director of Program Integrity may find that good cause exists not to suspend payments, or not to continue a payment suspension previously imposed, to a provider against which there is an investigation of a credible allegation of fraud if any of the following are applicable.

1. Law enforcement officials have specifically requested that a payment suspension not be imposed because such a payment suspension may compromise or jeopardize an investigation.

2. Other available remedies implemented by BHSF or Program Integrity more effectively or quickly protect Medicaid funds.

3. The director of BHSF and the director of Program Integrity determine, based upon the submission of written evidence by the provider that is the subject of the payment suspension, that the suspension should be removed.

4. Recipient access to items or services would be jeopardized by a payment suspension because of either of the following:

a. a provider is the sole community physician or the sole source of essential specialized services in a community; or

b. a provider serves a large number of recipients within a HRSA-designated medically underserved area.

5. Law enforcement declines to certify that a matter continues to be under investigation.

6. The director of BHSF and the director of Program Integrity determine that payment suspension is not in the best interest of the Medicaid program.

E. Good Cause to Suspend Payment Only in Part. The director of BHSF and the director of Program Integrity may find that good cause exists to suspend payments in part, or to convert a payment suspension previously imposed in whole to one only in part, to a provider against which there is an investigation of a credible allegation of fraud if any of the following are applicable.

1. Recipient access to items or services would be jeopardized by a payment suspension because of either of the following:

a. a provider is the sole community physician or the sole source of essential specialized services in a community; or

b. a provider serves a large number of recipients within a HRSA-designated medically underserved area.

2. The director of BHSF and the director of Program Integrity determines, based upon the submission of written evidence by the provider that is the subject of a whole

payment suspension, that such suspension should be imposed only in part.

3. The credible allegation of fraud focuses solely and definitively on only a specific type of claim or arises from only a specific business unit of a provider and the director of BHSF and the director of program integrity determine and document in writing that a payment suspension in part would effectively ensure that potentially fraudulent claims were not continuing to be paid.

4. Law enforcement declines to certify that a matter continues to be under investigation.

5. The director of BHSF and the director of Program Integrity determine that payment suspension only in part is in the best interest of the Medicaid program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2786 (November 2012).

### **Subchapter H. Arrangements to Repay**

### **Subchapter I. Corrective Actions**

#### **§4195. Corrective Actions Plans**

A. ...

##### 1. Corrective Action Plan-Notification

a. The director of BHSF and the director of Program Integrity may at any time issue a notice of corrective action to a provider or provider-in-fact, agent of the provider, or affiliate of the provider. The provider, provider-in-fact, agent of the provider, or affiliate of the provider shall comply with the corrective action plan within 10 working days of receipt of the corrective action plan. The purpose of a corrective action plan is to identify potential problem areas and correct them before they become significant discrepancies, deviations or violations. This is an informal process.

i. The provider, provider-in-fact, agent of the provider, or affiliate of the provider must submit their agreement with the corrective action plan in writing, signed by the provider, the provider-in-fact, agent of the provider, or affiliate of the provider.

ii. Repealed.

b. ...

2. Corrective Action Plan-Inclusive Criteria. The corrective action plan must be in writing and contain at least the following:

a. ...

b. the corrective action(s) that must be taken; and

c. notification of any action required of the provider, provider-in-fact, agent of the provider, billing agent or affiliate of the provider.

d. - e. Repealed.

3. Corrective Action Plans-Restrictions. Corrective actions, which may be included in a corrective action plan, are the following:

a. ...

b. require that the provider, provider-in-fact, agent of the provider, or affiliate receive education and training in the law, rules, policies, criteria and procedures related to the Medical Assistance Program, including billing practices or programmatic requirements and practices. Such education or training is at the provider or provider-in-fact's expense;

3.c. - 4. ...

5. No right to an informal hearing or administrative appeal can arise from a corrective action plan, unless the corrective action plan violates the provisions of this Chapter.

6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:601 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2787 (November 2012).

### **Subchapter J. Informal Hearing Procedures and Processes**

#### **§4203. Informal Hearing**

A. A provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person who has received a notice of sanction or notice of withholding of payment shall be provided with an informal hearing if that person makes a written request for an informal hearing within 15 days of receipt of the notice. The request for an informal hearing must be made in writing and sent in accordance with the instruction in the notice. The time and place for the informal hearing will be set out in the notice of setting of the informal hearing.

B. - B.3. ...

C. Notice of the Results of the Informal Hearing. Following the informal hearing, BHSF shall inform the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person in writing of the results which could range from canceling, modifying, or upholding the any or all of the violations, sanctions or other actions contained in a notice of sanction or notice of withholding of payments and the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person's right to an administrative appeal. The notice of the results of the informal hearing must be signed by the director of BHSF or his/her designee and the director of Program Integrity.

1. The provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person has the right to request an administrative appeal within 30 days of the receipt of the notice of the results of the informal hearing. At any time prior to the issuance of the written results of the informal hearing, the notice of corrective action or notice of administrative sanction or withholding of payment may be modified.

a. - b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:602 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2787 (November 2012).

### **Subchapter K. Administrative Appeals**

#### **§4211. Administrative Appeal**

A. The provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider may seek an administrative appeal from the notice of the results of an informal hearing if the provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider has had one or more appealable sanctions imposed upon him.

B. The notice of administrative appeal must be adequate as to form and lodged with the Division of Administrative Law within 30 days of the receipt of the notice of the results of the informal hearing. The lodging of a timely and adequate request for an administrative appeal does not affect the imposition of a sanction, unless the sanction imposed is exclusion. All sanctions imposed through the notice of the results of the informal hearing are effective upon mailing, emailing, or faxing of the notice of the results of the informal hearing to the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person, except exclusion from participation in the Medical Assistance Program or one or more of its programs.

C. In the case of an exclusion from participation, if the director of BHSF and the director of Program Integrity determines that allowing that person to participate in the Medicaid Program during the pendency of the administrative appeal process poses a threat to the programmatic or fiscal integrity of the Medicaid Program or poses a potential threat to health, welfare or safety of any recipients, then that person may be suspended from participation in the Medicaid Program during the pendency of the administrative appeal. If the exclusion is mandatory, a threat to Medicaid Program or recipients is presumed. This determination shall be made following the informal hearing. If no informal hearing is requested, the determination shall be made after the delay for requesting an informal hearing has run.

D. Failure to lodge a timely and adequate request for an administrative appeal will result in the imposition of any and all sanctions in the notice of the results of the informal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:603 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2787 (November 2012).

#### **§4213. Right to Administrative Appeal and Review**

A. Only the imposing of one or more sanctions can be appealed to the Division of Administrative Law.

1. - 2. ...

B. The following actions are not sanctions, even if listed as such in the notice of sanction or notice of the results of the informal hearing, and are not subject to appeal or review by the Division of Administrative Law:

1. - 5. ...

6. conducting prepayment review;

7. place the provider's claims on manual review status before payment is made;

8. require that the provider or provider-in-fact receive prior authorization for any or all goods, services, or supplies under the Medicaid Program or one or more of its programs;

9. - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:603 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2788 (November 2012).

## **Subchapter L. Rewards for Fraud and Abuse Information**

## **Subchapter M. Miscellaneous**

### **§4229. Mailing**

A. Mailing refers to the sending of a hard copy via U.S. mail or commercial carrier. Sending via facsimile or email is also acceptable, so long as a hard copy is mailed. Delivery via hand is also acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:604 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2788 (November 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein  
Secretary

1211#105

### **RULE**

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

Sanitary Code—Marine and Fresh Water Animal  
Food Products (LAC 51:IX.321, 327, 329 and 331)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(1), R.S.40:5(2)(3)(5)(15)(17)(19)(20)(21), and R.S. 56:437, amends and revises Title 51 (Public Health—Sanitary Code), Part IX (Marine and Fresh Water Animal Food Products), by effecting substantive changes as outlined below. The changes to the Louisiana State Sanitary Code (LAC 51) comport with changes made to the National Shellfish Sanitation Program (NSSP) Model Ordinance. The executive board of the Interstate Shellfish Sanitation Conference (ISSC) adopted changes to the NSSP Model Ordinance, with concurrence from the U.S. Food and Drug Administration (USFDA), at their March 2012 meeting. Louisiana must adopt these changes to remain in compliance with the USFDA, which will result in oysters being allowed to be shipped in interstate commerce.

### **Title 51**

## **PUBLIC HEALTH—SANITARY CODE**

## **Part IX. Marine and Fresh Water Animal Food Products**

### **Chapter 3. Preparation and Handling of Seafood for Market**

#### **§321. Shipping Shell-Stock Requirements [formerly paragraph 9:047]**

A. - C. ...

D. [Formerly paragraph 9:050] Railroad cars and trucks in which shellfish are shipped in sacks shall be kept clean.

All cars and trucks shall be subjected to proper inspection to see that they conform to this rule. Conveyances used to transport shellstock shall be constructed to prevent contamination, deterioration, or decomposition of the shellstock during transport. Conveyances must be pre-chilled to 45°F or below prior to loading. The dealer shall keep a record of compliance with the pre-chilling requirement.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1307 (June 2002), amended by the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008), LR 34:2175 (October 2008), LR 35:1239 (July 2009), LR 38:2788 (November 2012).

**§327. Refrigeration of Shell-Stock Oysters, Clams and Mussels**  
**[formerly paragraph 9:052]**

A. - D. ...

\* \* \*

E. To comply with the time to temperature requirements for harvested shellstock for raw consumption, the type of cooling must be capable of achieving the required internal temperature within the time frames required in the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program (see §329.A). The use of tempering and inadequate cooling is not acceptable. Cooling that occurs prior to receipt by the original dealer does not alleviate the dealer requirement to document the time to internal temperature requirements.

F. To comply with the time to temperature requirements for harvested shellstock for shucking or post-harvest processing consumption, the type of cooling must be capable of achieving the required internal temperature within the time frames required in the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program (see §331.A) or in the matrix for all other shellstock. The use of tempering and inadequate cooling is not acceptable. Cooling that occurs prior to receipt by the original dealer does not alleviate the dealer requirement to document the time to internal temperature requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:96 (January 2012), LR 38:2789 (November 2012).

**§329. Refrigeration Requirements for Shell-stock Harvested for Raw Consumption during the Months January through December**  
**[formerly paragraph 9:052-1]**

A. - A.3. ...

B. For shellstock harvested for raw consumption, harvesters will adhere to the applicable time and temperature controls as established by the *Vibrio vulnificus* control plan in this Section developed by the Office of Public Health Molluscan Shellfish Program. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the applicable time and temperature requirements. This record may be in the form of a harvester tag, trip record, or other record deemed appropriate by the

Office of Public Health Molluscan Shellfish Program. The record must include the date and time harvest begins for each lot of shellfish harvested. It shall be the responsibility of the harvester to properly separate and identify each lot upon being placed under refrigeration. The harvester shall document the time harvest begins for each lot prior to harvest and shall immediately document the time each lot is placed under refrigeration. It shall also be the responsibility of the harvester to record the number of sacks contained within each lot immediately after oysters are placed under refrigeration. Harvest vessels equipped with refrigeration capabilities must provide documentation to the original dealer that the time and temperature requirements established by the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program (see §329.A) have been met.

C. Under the requirements of the *Vibrio vulnificus* control plan during the months of March through November, if oysters are removed from a vessel before the product reaches an internal temperature of 55°F or below, it is the dealer's responsibility to verify that all last lots of oysters harvested and placed in mechanical refrigeration meet the internal temperature of 55°F or below in six hours. This shall be documented on the same log sheet that was provided to the dealer from the harvester.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012).

**§331. Refrigeration Requirements for Shell-Stock Harvested for Shucking or Post-Harvest Processing by a Certified Dealer during the months January through December**  
**[formerly paragraph 9:052-2]**

A. Time to refrigeration requirements for shell-stock harvested for shucking or post-harvest processing by a certified dealer during the months January through December shall be based on the average monthly growing water temperature developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

1. Water Temperature: <50°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 36 hours from the time harvesting begins.

2. Water Temperature: 50°F to 60°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 24 hours from the time harvesting begins.

3. Water Temperature: 60°F - 80°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 18 hours from the time harvesting begins.

4. Water Temperature: ≥81°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 12 hours from the time harvesting begins.

B. Dealer/harvester tags utilized to identify shell-stock harvested for shucking or post-harvest processing



consumption by a certified dealer must be identified with the green tag which states: "FOR SHUCKING BY A CERTIFIED DEALER OR POST-HARVEST PROCESSING ONLY".

C. For shellstock harvested for shucking or post-harvest processing consumption, harvesters will adhere to the applicable time and temperature controls as established in this Section by the Office of Public Health Molluscan Shellfish Program. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the applicable time and temperature requirements. This record may be in the form of a harvester tag, trip record, or other record deemed appropriate by the Office of Public Health Molluscan Shellfish Program. The record must include the date and time harvest begins for each lot of shellfish harvested. Harvest vessels equipped with refrigeration capabilities must provide documentation to the original dealer that the time and temperature requirements established by the Office of Public Health Molluscan Shellfish Program have been met.

D. "Green" or restricted use tag product may be shipped in commerce if the internal temperature is 50°F or below. If the oysters have not reached an internal temperature of 50°F or below, the product may be shipped provided a working time/temperature recording device accompanies every shipment. Shipments of 4 hours or less will not be required to have a working time/temperature recording device. The documentation stating the time of shipment will accompany the bill of lading and will be used to determine if shipment is less than 4 hours.

E. All shellstock that has been refrigerated must not be allowed to remain without mechanical refrigeration for more than 2 hours at points of processing or transfer such as loading docks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:97 (January 2012), LR 38:2789 (November 2012).

Bruce D. Greenstein  
Secretary

1211#038

## RULE

### Department of Health and Hospitals Office of Public Health

#### Sanitary Code—Plumbing

(LAC 51:I.101 and 123; VI.101, 109, 113, 121, 319,321, 509, 705, 709, 1117, 1313 and 1515; VII.101 and 2117; X.101, 113 and 115; XII.101, 335, 344 and 371; XIV.101-1813; XVI.101; XVII.101, 107 and 303; XVIII.101; XXI.105; XXIII.301, 3119, 3307; and XXIV.103 and 717)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), amends Part XIV (Plumbing) of the Louisiana State Sanitary Code [LAC 51 (Public Health—Sanitary Code)]. These amendments

update the current state plumbing code which was last promulgated on July 20, 2000 and had an effective date of October 20, 2000.

In that Part XIV (Plumbing) is referenced in various other Parts of LAC 51 and the whole of these Parts constitutes the entirety of the Louisiana State Sanitary Code, certain Sections of Parts I, VI, VII, X, XII, XVI, XVII, XVIII, XXI, XXIII, and XXIV of LAC 51 are also amended so that all of the Parts of the entire Louisiana State Sanitary Code comport with one another in respect to such plumbing references.

This rule additionally implements House Concurrent Resolution No. 4 of the 2008 Regular Session regarding privacy wall or partition requirements for male urinals in public toilet rooms as well as implementing Act No. 362 of the 2011 Regular Session which effectively lowers the lead content of the wetted surfaces of certain pipe, plumbing fittings and fixtures which convey potable water. The specific provisions of Parts XII and XIV of the rule which implement Act No. 362 of the 2011 Regular Session shall become effective on January 1, 2013. Such specific provisions are identified with "Effective Date Notes" contained within the text of the rule.

Other than those specific portions of Parts XII and XIV of the rule to implement Act No. 362 of the 2011 Regular Session (which will become effective on January 1, 2013), the remainder of this rule shall become effective on February 20, 2013.

For the reasons set forth above, Parts I, VI, VII, X, XII, XIV (Plumbing), XVI, XVII, XVIII, XXI, XXIII, and XXIV of the Louisiana state Sanitary Code (LAC 51) are amended as follows.

## Title 51

### PUBLIC HEALTH—SANITARY CODE

#### Part I. General Provisions

#### Chapter 1. General

#### §101. Definitions

[formerly paragraph 1:001]

A. ...

B. Unless otherwise specifically provided herein, the following words and terms used in this Chapter are defined for the purposes thereof as follows.

\*\*\*

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\*\*\*

*Substantial Renovation*—

a.i. - c.ii. ...

d. The text contained in Subparagraphs a.i-c.ii continues to apply when any particular portion of this code calls for an additional requirement to the term substantial renovation (e.g., see LAC 51:XIV.411.A.1).

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and R.S. 40:5(3), (7), (17), (19), (20), and (21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1693 (October 2001), repromulgated LR 28:1209 (June 2002), amended LR 28:2528 (December 2002), LR 34:652 (April 2008), LR 38:2375 (September 2012), LR 38:2790 (November 2012).

#### §123. Exemptions from Code

[formerly paragraph 1:011]

A. - A.2. ...

a. The text, or a portion thereof, contained in Paragraph A.2 does not apply when any particular provision of this code allows an exception to such requirement (e.g., see LAC 51:XIV.411.A.1.a and LAC 51:XXIII.301.A.3 - relative to a real property ownership change only). The non-applicable text, or a portion thereof, of Paragraph A.2 is limited to what is allowed under the specific exception thereto. The wording of this Subparagraph shall not be deemed to supercede the need to upgrade when:

- i. Paragraph A.1 is applicable (i.e., substantial renovation is undertaken);
- ii. the business located therein changes (i.e., the occupancy classification changes) under Paragraph A.2; or
- iii. Paragraph A.3 is applicable (i.e., a serious health threat exists).

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:1695 (October 2001), amended LR 28:1211 (June 2002), LR 38:2790 (November 2012).

## **Part VI. Manufacturing, Processing, Packing and Holding of Food, Drugs and Cosmetics**

### **Chapter 1. General Regulations, Definitions, Permits, Registration, Machinery, Equipment and Utensils, Premises and Buildings, Temperature Control**

#### **§101. Definitions [formerly paragraph 6:001]**

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

\* \* \*

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\* \* \*

AUTHORITY NOTE: The first source of authority for promulgation of the *Sanitary Code* is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the *Louisiana Revised Statutes*. This Part is promulgated in accordance with the provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1230 (June 2002), amended LR 38:2791 (November 2012).

#### **§109. Lighting/Ventilation, Plans Submission, Construction and Materials; Insect and Rodent Control; Sanitary Facilities [formerly paragraph 6:010]**

A. All factory buildings shall be well lighted with not less than 40 foot-candles on all working surfaces, and shall be well ventilated. In accordance with LAC 51:XIV.405.A.1.b, toilet rooms shall be provided with mechanical exhaust ventilation.

B. - H. ...

I. [Formerly paragraph 6:017] Every factory shall be provided with toilet and hand washing facilities as required by LAC 51:XIV.411, entitled "Minimum Plumbing Fixtures". Handwashing facilities shall be located convenient to all restrooms and food processing areas. Facilities shall be equipped with hot and cold water under

pressure, delivered through a mixer faucet. Soap and sanitary towels or air dryer shall be provided at each lavatory.

J. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1232 (June 2002), amended LR 38:2791 (November 2012).

#### **§113. Water Supply—Ample Supply, Not Cross-Connected, Drinking Fountains [formerly paragraph 6:022]**

A. ...

B. [Formerly paragraph 6:023] Drinking fountains shall be provided as required by LAC 51:XIV.411, entitled "Minimum Plumbing Fixtures". Drinking fountains shall meet the specifications as described in LAC 51:XIV.415.C or obtain approval of the state health officer.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1233 (June 2002), amended LR 38:2791 (November 2012).

#### **§121. By Products and Waste Material [formerly paragraph 6:033]**

A. ...

B. [Formerly paragraph 6:034] Drainage must be provided to take care of ensilage juices. Drains shall be of size and construction as specified in Table 725.A.1, "Building Drains and Sewers," of the LSPC.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1234 (June 2002), amended LR 38:2791 (November 2012).

### **Chapter 3. Current Good Manufacturing Practices in Manufacturing, Processing, Packing or Holding Human Food**

#### **§319. Toilet Facilities [formerly paragraph 6:068]**

A. Each plant shall provide its employees with toilet and associated hand washing facilities within the plant according to requirements of LAC 51:XIV.411 and each toilet shall be furnished with toilet tissue. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination except where alternate means have been taken to prevent such contamination (such as double doors, positive air flow systems, etc.). Signs shall be posted directing employees to wash their hands with cleaning soap or detergents after using the toilet.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1236 (June 2002), amended LR 38:2791 (November 2012).

#### **§321. Hand Washing Facilities [formerly paragraph 6:069]**

A. Facilities for hand washing and, where appropriate, sanitizing solution shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands, and at least in areas

where foods are handled. Numbers of lavatories shall be provided as required in LAC 51:XIV.411. Such facilities shall be furnished with running water at a suitable temperature for hand washing, effective hand cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1236 (June 2002), amended LR 38:2791 (November 2012).

## **Chapter 5. Bakeries and Manufacturing Confectioneries**

### **§509. General Provisions; Time/Temperature Controls for Preparation of Fresh Custard and Cream Fillings [formerly paragraph 6:085]**

A. - B. ...

C. [Formerly paragraph 6:087] Every bakery or manufacturing confectionery shall provide toilet facilities for employees as required by LAC 51:XIV.411. All toilet rooms shall have at least 20 foot-candles of lighting and, in accordance with LAC 51:XIV.405.A.1.b, mechanical exhaust ventilation. Toilet rooms shall be kept clean and in good repair.

D. [Formerly paragraph 6:088] Lavatory (hand washing) facilities shall be provided in all restrooms in accordance with LAC 51:XIV.411 and an additional lavatory/lavatories shall be conveniently located in each of the food processing and handling areas. Facilities shall be equipped with hot and cold water under pressure, delivered through a mixer faucet. Soap and sanitary towels or air dryer shall be provided at each lavatory.

E. - P. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1239 (June 2002), amended LR 38:2792 (November 2012).

## **Chapter 7. Food Storage Warehouse and Food Salvaging Operations**

### **§705. Building Construction [formerly paragraph 6:112]**

A. - C. ...

D. [Formerly paragraph 6:115] Every warehouse and salvaging operation shall be provided with toilet and hand washing facilities for employees as required by LAC 51:XIV.411, titled "Minimum Plumbing Fixtures". Hand washing facilities shall be located convenient to all toilet facilities. Facilities shall be equipped with hot and cold water under pressure, delivered through a mixer faucet. Soap and sanitary towels or air dryer shall be provided at each lavatory. These facilities shall be kept clean. Toilet room doors shall be self-closing.

E. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1240 (June 2002), amended LR 38:2792 (November 2012).

### **§709. Water Supply [formerly paragraph 6:120]**

A. ...

B. [Formerly paragraph 6:121] Drinking fountains shall be provided as required by LAC 51:XIV.411, entitled "Minimum Plumbing Fixtures". Drinking fountains shall meet specifications as described in Part XVII, §107.B of this Code and meet with the approval of the state health officer.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1240 (June 2002), amended LR 38:2792 (November 2012).

## **Chapter 11. Soft Drink Manufacturing**

### **§1117. Toilet and Lavatory Facilities [formerly paragraph 6:146]**

A. Toilet and lavatory facilities shall be provided as required in LAC 51:XIV.411, and shall be maintained in a clean and sanitary condition. Toilet and washroom fixtures shall be so constructed and so operated as to prevent backflow or back-siphonage as defined in LAC 51:XIV.203.A and LAC 51:XIV.609.G2, from such fixtures into the water supply. Toilet rooms shall have no direct connection with rooms used for manufacturing or bottling and shall have self-closing doors. Additional lavatory/lavatories shall be conveniently located in the syrup room and other food processing and handling areas. Facilities shall be equipped with hot and cold water under pressure, delivered through a mixer faucet. Soap and sanitary towels or air dryer shall be provided at each lavatory.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1246 (June 2002), amended LR 38:2792 (November 2012).

## **Chapter 13. Cold Storage and Ice Plants**

### **§1313. Toilet and Lavatory Facilities [formerly paragraph 6:173]**

A. Every artificial ice plant and cold storage plant shall be provided with toilet and hand washing facilities for employees as required by LAC 51:XIV.411, titled "Minimum Plumbing Fixtures". Handwashing facilities shall be located conveniently to all toilet facilities. These facilities shall be kept clean. Toilet room doors shall be self-closing.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1249 (June 2002), amended LR 38:2792 (November 2012).

## **Chapter 15. Current Good Manufacturing Practices in the Manufacture of Drugs**

### **§1515. Building Requirements [formerly paragraph 6:198-1]**

A. - B.4. ...

C. [Formerly paragraph 6:198-3] Provide a supply of potable water [LAC 51:XII (Water Supplies)] under conditions of positive pressure in a plumbing system designed in accord with the LSPC and free of defects that could cause or contribute to contamination of any drug.

Drains shall be a minimum of 4 inches, and where connected directly to a sewer, shall be equipped with properly vented fixture traps to prevent sewer gas entry into any occupied space.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4(A)(1)(a). Also see 40:601 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1252 (June 2002), amended LR 38:2792 (November 2012).

## Part VII. Dairy Products Regulations

### Chapter 1. Milk and Dairy Products

#### §101. Definitions

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\*\*\*

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\*\*\*

B. ...

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40. This Part is promulgated in accordance with specific provisions of R.S. 40: 4(A)(1)(a). Also see R.S. 40:5(2)(3)(5)(7) (15)(17) and R.S. 40:922.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1258 (June 2002), amended LR 37:2633 (September 2011), LR 38:2793 (November 2012).

### Chapter 21. Dairy Products Condensing, Dairy Products Concentrating, Dairy Products Drying or Dry Dairy Products Blending Plants

#### §2117. Reclaimed Water<sub>dp</sub>

A. - D.2.a. ...

b. distribution lines and hose stations are clearly identified in accordance with LAC 51:XIV.607 as limited use reclaimed water<sub>dp</sub>;

D.2.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:5(2)(3)(5)(7)(15)(17) and R.S. 40:922.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 37:2701 (September 2011), amended LR 38:2733 (November 2012).

### Part X. Game Bird and Small Animal Slaughter and Processing

#### Chapter 1. Required Permits

#### §101. Definitions

[formerly paragraph 10:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the sanitary code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\*\*\*

*LSPC*—Louisiana State Plumbing Code, i.e., (Plumbing) of this Code (LAC 51:XIV).

\*\*\*

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258.B, with more particular provisions found in Chapters 1 and 4 of Title 40. This

Part is promulgated in accordance with specific provisions of R.S. 40: 4.A.(1)(a), (6), (8) and 40:5.(5), (9). Also see R.S. 40:627.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1311 (June 2002), amended LR 38:2793 (November 2012).

#### §113. Building Requirements [formerly paragraph 10:016]

A. - E. ...

F. [Formerly paragraph 10:020] Potable water shall be available in all areas of the slaughter house for cleaning and sanitizing utensils and equipment, and for hand washing, as specified in the Louisiana State Plumbing Code (LSPC), particularly Chapter 6 thereof. A heating facility capable of producing hot water for these purposes shall be provided on the premises. Water samples to verify microbiological quality and potability shall be collected from each plant at least annually.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A(1)(a), (6), (8) and 40:5(5)(9). Also see R.S. 40:627.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1313 (June 2002), amended LR 38:2793 (November 2012).

#### §115. Required Sanitary Facilities [formerly paragraph 10:024]

A. ...

B. [Formerly paragraph 10:025] Toilet facilities shall be provided and installed in accordance with LAC 51:XIV.411. Facilities shall be conveniently located and shall be accessible to employees at all times.

C. [Formerly paragraph 10:026] Hand washing lavatories shall be provided in food processing and other food handling areas and shall be installed in accordance with LAC 51:XIV.411. Hand washing lavatories shall be conveniently located and accessible to employees at all times. Hand washing lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing. Each hand-washing lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. An ample supply of hand cleansing soap or detergent shall be available at each lavatory. An ample supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each hand-washing lavatory. The use of common towels is prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

D.1. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A(1)(a), (6), (8) and 40:5(5)(9). Also see R.S. 40:627.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1313 (June 2002), amended LR 38:2793 (November 2012).

## Part XII. Water Supplies

### Chapter 1. General

#### §101. Definitions

[formerly paragraph 12:001]

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\* \* \*

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

\* \* \*

*Lead Free*—

a. In general.

i. not containing more than 0.2 percent lead when used with respect to solder and flux; and

ii. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

b. Calculation

i. The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

(a). For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause “a.ii.” above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

*Listed*—equipment or materials included in a list published by an approved nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of *listed* equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying *listed* equipment may vary for each testing laboratory, inspection agency, or other organization concerned with product evaluation, some of which do not recognize equipment as *listed* unless it is also labeled. The water supplier should utilize the system employed by the listing organization to identify a *listed* product.

a. In respect to any solder, flux, pipes, pipe fittings, plumbing fittings, fixtures, and any other appurtenances which are claimed to be lead free, this defined term (*listed*) shall additionally include the requirement that all such solder, flux, pipes, pipe fittings, plumbing fittings, fixtures, and any other appurtenances have been certified to be lead free by an independent American National Standards Institute (ANSI)-accredited third party testing laboratory, inspection agency or other organization concerned with product evaluation.

\* \* \*

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\* \* \*

*Person*—a natural *person*, his heirs, executors, administrators, or assigns; and includes a firm, partnership, or corporation, it’s or their successors or assigns, the state of Louisiana or any of its political subdivisions, the United States government or any of its political subdivisions and any officer, employee and agent of one of those entities. Singular includes plural; male includes female.

*Potable Water*—water having bacteriological, physical, radiological, and chemical qualities that make it safe and suitable for *human consumption*.

\* \* \*

*Water Supplier*—a *person* who owns or operates a *water supply system* including, but not limited to, a *person* who owns or operates a *public water system*.

*Water Supply System*—the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary), and then distributed (with or without charge) for *human consumption* or other use.

\* \* \*

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 36:254 (B)(7), R.S. 40:4 (A)(8), R.S. 40:5 (2)(3)(5)(6)(17)(20), R.S. 40:1148, and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:484 (March 2009), LR 35:1240 (July 2009), LR 38: 2375 (September 2012), LR 38:2793 (November 2012).

### Chapter 3. Water Quality Standards

#### §335. Distribution

[formerly paragraph 12:012-1]

Editor’s Note: The text in this Section will be effective on January 1, 2013.

A. ...

B.1. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (i.e., shall not contain more than 0.2 percent lead). Any pipe, pipe fitting, plumbing fitting, fixture, and any other appurtenance which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (i.e., shall not contain more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, fixtures, and any other appurtenances).

2. Exception. The lead free requirement of Paragraph B.1 above shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, fixtures, and any other appurtenances, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water

distribution main gate valves that are 2 inches in diameter or larger.

C.1. Water Piping Quality. All potable water pipes, pipe related products and materials that join or seal pipes and pipe related products shall be evaluated and listed as conforming with a national consensus product (or material) standard, ANSI/NSF Standard 61, and NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

2. Exception. The lead free requirement of Paragraph C.1 above shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

D. [Formerly paragraph 12:012-3] Where pumps are used to draw water from a water supply distribution system or are placed in a system to increase the line pressure, provision must be made to limit the pressure on the suction side of the pump to not less than 15 psi (pounds per square inch) gauge. Where the use of automatic pressure cut-offs is not possible, such pumps must draw water from a tank, supplied with water from a water distribution system through an air gap as per Part XIV of this Code.

E. [Formerly paragraph 12:012-4] All public water supplies shall be operated and maintained to provide a minimum positive pressure of 15 psi gauge at all service connections at all times.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), R.S. 40:5(5)(6), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1325 (June 2002), amended LR 38:2794 (November 2012).

### **§344. Protection of Water Supply/Containment Practices**

A. Each water supplier shall protect the water produced and distributed by its water supply system from potential contamination by ensuring compliance with the containment practices and maintenance/field testing requirements prescribed in LAC 51:XIV.609.F or as otherwise directed by the state health officer. In implementing any ordinances, rules, contracts, polices, or other steps to achieve such compliance, water suppliers shall have the authority to prohibit or discontinue water service to customers who fail to install, maintain, field test, or report the results of the field test for containment assemblies or methods in accordance with LAC 51:XIV.609.F.9.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A(7)(8) and 40:5(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2795 (November 2012).

### **§371. Public Drinking Fountains [formerly paragraph 12:023-1]**

A. All public drinking fountains shall be designed and constructed in accordance with the provisions of the Louisiana State Plumbing Code (LSPC). Drinking fountains and coolers shall be constructed of lead free materials as specified in §335.B of this Part.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A(7)(8) and 40:5(5)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1328 (June 2002), amended LR 38:2795 (November 2012).

### **Part XIV. Plumbing**

#### **Chapter 1. Administration**

##### **Subchapter A. General**

#### **§101. Title and Adoption of Louisiana State Plumbing Code (LSPC)**

##### **[formerly paragraph 14:001]**

A. The Department of Health and Hospitals, Office of Public Health hereby adopts Part XIV (Plumbing) of the Sanitary Code, State of Louisiana (LAC 51:XIV). "Part XIV (Plumbing) of the Sanitary Code, State of Louisiana" may be cited as the "Louisiana State Plumbing Code", hereinafter referred to as "this code" or "this Part". Any reference or citation to the "Louisiana State Plumbing Code" shall likewise be synonymous to any reference or citation to "Part XIV (Plumbing) of the Sanitary Code, State of Louisiana."

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 18:618 (June 1992), LR 26:1481 (July 2000), repromulgated LR 28:1383 (June 2002), amended LR 38:2795 (November 2012).

#### **§103. Availability**

##### **[formerly paragraph 14:002]**

A. Information concerning purchasing copies of this Part (LAC 51:XIV) may be obtained by contacting the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095, tel (225) 342-7000 or (800) 354-9548 (toll free) or fax (225) 342-1057. This Part is available to be viewed electronically on the Office of the State Register's website at: <http://www.doa.louisiana.gov/osr/osr.htm>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 18:618 (June 1992), LR 26:1481 (July 2000), repromulgated LR 28:1383 (June 2002), amended LR 38:2795 (November 2012).

#### **§105. Effective Date and Edition**

##### **[formerly paragraph 14:003]**

A. Other than those specific portions of this Part pertaining to the implementation of Act No. 362 of the 2011 Regular Session, the remainder of this Part shall become effective on February 20, 2013. Furthermore, the year in which this code becomes effective shall be used to indicate

the edition; therefore, the rule being published in the November 20, 2012 *Louisiana Register* may be referred to as the Louisiana State Plumbing Code, 2013 Edition.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 18:618 (June 1992), LR 26:1482 (July 2000), repromulgated LR 28:1383 (June 2002), amended LR 38:2795 (November 2012).

## **Subchapter B. Purpose and Scope**

### **§107. Purpose**

**[formerly paragraph 14:004]**

A. The purpose of this Chapter is to provide for the administration and enforcement of this code.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 18:618 (June 1992), LR 26:1482 (July 2000), repromulgated LR 28:1383 (June 2002), amended LR 38:2796 (November 2012).

### **§109. Code Remedial**

A. General. This code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof-which are public safety, health and general welfare-by regulating the installation and maintenance of all plumbing.

B. Quality Control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purpose stated herein.

C. Permitting and Inspection. The inspection or permitting of any building or plan by any jurisdiction, under the requirements of this code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan. No jurisdiction or any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur subsequent to such inspection or permitting.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2796 (November 2012).

### **§111. Scope**

A. Applicability. The provisions of this code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

B. Federal and State Authority. The provisions of this code shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights provided by law.

C. Appendices. The appendices included in this code are not intended for enforcement unless specifically referenced in the code text, stated in the appendix or specifically

included in the adopting ordinance or promulgated regulations.

D. Referenced Standards. Standards referenced in this code shall be considered an integral part of this code without separate adoption. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced Permissive and advisory provisions in a standard shall not be construed as mandatory.

E. Maintenance. All plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of the plumbing system.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2796 (November 2012).

### **§113. Existing Buildings**

A. General. Alterations, repairs or rehabilitation work may be made to any existing plumbing installations without requiring the installations to comply with all the requirements of this code provided that the alteration, repair or rehabilitation work conforms to the requirements of this code for new construction. The plumbing official shall determine the extent to which the existing plumbing installation shall be made to conform to the requirements of this code for new construction.

B. Change of Occupancy Classification. If the occupancy classification of an existing building is changed, the plumbing installation shall be made to comply with this code.

C. Substantial Renovation. If substantial renovation of an existing building or facility is done, the plumbing installation shall be made to comply with this Part.

D. Exemptions from Code for Buildings or Facilities which had Either been Previously Permitted, Licensed or Specifically Approved by the State Health Officer. In accord with LAC 51:1.123 and unless otherwise specifically provided hereinafter, when the construction of buildings and facilities which had either been previously permitted, licensed or specifically approved by the state health officer pursuant to Public Health—Sanitary Code (LAC 51) requirements then in effect, upgrading of such buildings and facilities shall not be required except where:

1. substantial renovation of such buildings or facilities is undertaken; or

2. the ownership thereof or the business located therein changes subsequent to the effective date of this code; or,

a. The text, or a portion thereof, contained in Paragraph 2 of this Subsection above, does not apply when any particular provision of this code allows an exception to such requirement (e.g., see §411.A.1.a of this code). The non-applicable text, or portion thereof, of Paragraph 2 of this Subsection above is limited to what is allowed under the specific exception thereto.

3. a serious health threat exists as determined by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2796 (November 2012).

#### **§115. Special Historic Buildings**

A. The provisions of this code relating to the installation, alteration, repair, enlargement, restoration, replacement or relocation of plumbing installations shall not be mandatory for existing buildings or structures identified and classified by the federal, state or local jurisdiction as special historic buildings when such installations are judged by the plumbing official to be safe and in the public interest of health, safety and welfare regarding any proposed installation, alteration, repair, enlargement, restoration, relocation or replacement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

### **Subchapter C. Powers and Duties of the Plumbing Official**

#### **§117. Authority**

A. Pursuant to R.S. 40:4.A(7) the state health officer is required to promulgate this code and pursuant to R.S. 40:5(3) the state health officer has the authority to enforce this code. Any enforcement action by the state health officer shall be in accordance with Part I of the Sanitary Code, State of Louisiana (LAC 51:I), and/or applicable state laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

#### **§119. Right of Entry**

A. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the plumbing official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the plumbing official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the plumbing official by this code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the plumbing official shall have recourse to every remedy provided by law to secure entry.

B. When the plumbing official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect after proper request is made as herein provided, to promptly permit entry therein by the plumbing official for the purpose of inspection and examination pursuant to this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797.

#### **§121. Enforcement**

A. Upon determination that any plumbing system is in violation of, or not in conformity with, the provisions of this code, the plumbing official may initiate enforcement action in accordance with applicable laws, regulations and/or ordinances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

#### **§123. Revocation of Permits or Approvals**

A. Misrepresentation of Application. The plumbing official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

B. Violation of Code Provisions. The plumbing official may revoke a permit or approval upon determination by the plumbing official that the installation, erection, alteration or repair of the plumbing installation for which the permit or approval was issued is in violation of or not in conformity with, the provisions of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

#### **§125. Unsafe Installations**

A. All plumbing installations regardless of type, which are unsafe or which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

#### **§127. Requirements Not Covered By Code**

A. Any requirements necessary for the strength or stability of an existing or proposed plumbing installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the plumbing official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

#### **§129. Alternate Materials and Methods of Construction**

A. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternate has been approved by the plumbing official. The plumbing official shall approve any such alternate provided he finds that the alternate for the purpose intended is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, durability and safety. The plumbing official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding its use.



AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2797 (November 2012).

### §131. Permits

A. A person, firm or corporation shall not install, enlarge, alter, repair, improve, remove, convert or replace any plumbing work, or cause the same to be done, without first obtaining a plumbing permit (where such permits are required by state, parish, city or other local laws or ordinances) from the plumbing official. Where such permits are not available, the property owner, contractor and installer shall be jointly responsible for the installation being in compliance with the requirements of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### §133. Tests

A. The plumbing official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner or his agent, by an approved testing laboratory or other approved agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### §135. Variances

A. The plumbing official has the authority and discretion to issue a written variance concerning the application of any provision of this code in any particular case when, in his/her opinion based upon the extenuating circumstances presented, it is determined that the health and safety of the public will not be jeopardized.

NOTE: Refer to §203 of this code for the definition of "plumbing official" and "state health officer". Per these definitions, variances to the requirements of this code may be legally issued only by the state health officer acting personally or by certain individuals that the state health officer personally designates. Once a variance has been issued by the state health officer acting in his capacity as the co-State plumbing official, the co-local plumbing official is not necessarily obliged to agree with the granting of such variance. In accordance with R.S. 40:14, the co-Local plumbing official may decide to deny the request for variance at the local level since local plumbing regulations are allowed to be stricter than state plumbing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### §137. Violations and Penalties

A. Any person, firm, corporation or agent; contractor; and/or installer who violates a provision of this code shall be subject to enforcement action by the plumbing official in accordance with applicable laws, regulations and/or ordinances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### §139. Severability

A. If any Section, Subsection, Paragraph, Subparagraph, Clause, Subclause, Division, Sentence, or phrase of this Part is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

## Chapter 2. Definitions

### Subchapter A. General

#### §201. General

A. Scope. For the purpose of this Part, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this Chapter or the Chapter to which they are unique.

B. Tense, Gender, and Number. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

C. Words Not Defined. Words not defined herein shall have the meanings stated in the other Chapters of this Part or in other Parts of the Louisiana State Sanitary Code (LAC 51) which are adopted or may be adopted, the codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session, or the American Society of Sanitary Engineering (ASSE) Plumbing Dictionary, Fourth Edition (1988). When words not defined herein are defined in both the Louisiana State Sanitary Code (LAC 51) and in the codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session or in the ASSE's Plumbing Dictionary, Fourth Edition (1988), the definition contained within the Louisiana State Sanitary Code (LAC 51) shall be given preference as it pertains to health and/or health standards. Words not defined in any of these source documents shall have their common usage and meaning as stated in the Merriam-Webster's Collegiate Dictionary-Eleventh Edition, as revised, and other similarly accepted reference texts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### Subchapter B. Definition of Terms

#### §203. Definition of Terms

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code (LAC 51:XIV) are defined for the purposes thereof as follows.

*Access Cover*—a removable plate, usually secured by bolts or screws, to permit access to a pipe or pipe fitting for the purposes of inspection, repair or cleaning.

*Accessible*—having access to but which first may require the removal of a panel, door or similar covering of the item described. See *readily accessible*.

*Administrative Authority*—see *Plumbing Official*.

*Air Break (Drainage System)*—a piping arrangement in which a *drain* from a fixture, device, appliance or apparatus discharges indirectly into a sink or other receptor with the *indirect waste pipe* terminating at a point below the *flood-level rim* of the receiving sink or other receptor. An unobstructed horizontal distance of free atmosphere between the outside of the *indirect waste pipe* and the inside of the receiving sink or other receptor must exist so as to allow a *back-flow* of *sewage* to spill over the *flood-level rim* of the receiving sink or other receptor to prevent such *back-flow* from reaching the fixture, device, appliance or apparatus served by the *indirect waste pipe*.

*Air Gap (Drainage System)*—the unobstructed vertical distance through the free atmosphere between the outlet waste pipe and the *flood-level rim* of the receptacle into which it is discharging.

*Air Gap (Water Distribution)*—in a *water supply or distribution system*, the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, *plumbing fixture* or other device and the *flood-level rim* of the receptacle.

*Alternate Designed Plumbing System*—a type of *plumbing system* which is not designed in accord with the prescriptive requirements of this code. See Chapter 12 of this Part for special review and approval requirements prior to construction.

*Anchors*—see *supports*.

*And/Or*—in a choice of two code provisions, signifies that use of both provisions will satisfy the code requirement and use of either provision is acceptable also.

*Anti-Scald Valve*—see *scald preventative valve*.

*Appurtenance*—see *plumbing appurtenance*.

*Approved*—approved by the *plumbing official* or other authority having jurisdiction.

*Area Drain*—a receptacle designed to collect surface or rain water from an open area.

*Assembly or Assembly Use*—in the classification of *plumbing fixtures*, *assembly* applies to *fixtures* used by the *public* attending an event at a theatre, auditorium, stadium, arena, gymnasium or similar facility. See the theaters, auditoriums, stadiums, arenas, and gymnasiums occupancy classification listed in Table 411 of this code.

*Automatic Compensating Type Shower Valve*—One of three types of valves that compensate for changes in incoming pressure, temperature, or pressure and temperature. The three types of valves are:

a. *Pressure Balancing Type Shower Valve*—a pressure balancing valve (Type P) which senses incoming hot and cold water pressures and compensates for fluctuations in either hot or cold water to stabilize the outlet temperature.

b. *Thermostatic Type Shower Valve*—a thermostatic balancing valve (Type T) which senses outlet temperature and compensates for fluctuations in either incoming hot and cold water temperatures and/or pressure to stabilize the outlet temperature.

c. *Combination Thermostatic and Pressure Balancing Type Shower Valve*—a combination thermostatic/pressure balancing valve (Type TP) which senses outlet temperature and incoming hot and cold water

pressure and compensates for fluctuations in incoming hot and cold water temperatures and/or pressures to stabilize the outlet temperature.

*Backflow*—the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable *water supply system* and/or *water distribution system* from any source or sources other than its intended source.

*Backflow Connection*—any arrangement whereby *backflow* can occur.

*Backflow Preventer*—a mechanical device which prevents *backflow* of contaminants and pollutants into the potable water supply or distribution system by means of positive check members in addition to atmospheric ports.

*Backflow Prevention Assembly*—a testable *backflow preventer* which comes assembled from the manufacturer as a complete unit having approved test cocks with shut off valves installed on both the inlet and outlet sides of the *backflow preventer*.

*Back Vent*—see *individual vent*.

*Back Water Valve*—a device (check valve) installed in a *drain* or pit or in the sewer or *drainage system* to prevent *sewage* or drainage from backing into low levels through fixtures or devices not installed sufficiently above sewer or *drainage systems*.

*Battery of Fixtures*—any group of two or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

*Battery Venting*—the horizontal wet venting of a number of individual *fixture drains*, connected horizontally to a *branch soil* or *waste pipe* which is circuit or loop vented.

*Beneficial Use*—the technologically feasible uses of *reclaimed water* for domestic, municipal, industrial, agricultural, recreational or therapeutic purposes.

*Boiler Blow Off*—an outlet on a boiler to permit emptying or discharge of sediment.

*Branch*—any part of the piping system other than a *main*, *riser*, or *stack*.

*Branch, Fixture*—see *fixture branch*.

*Branch, Horizontal*—see *horizontal branch*.

*Branch Interval*—a length of soil or waste stack corresponding in general to a story height, but in no case less than 8 feet (ft) (2438 mm), within which the *horizontal branches* from one floor or story of a building are connected to the *stack*.

*Branch Vent*—a vent connecting one or more individual vents with a vent stack or stack vent.

*Building*—any structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

*Building Drain*—that part of the lowest piping of a *drainage system* which receives the discharge from *soil pipes* and *waste pipes* inside the walls of the *building* and conveys it to the *building sewer* 3 ft (914 mm) outside the *building wall*.

*Building Sewer*—that part of the horizontal piping of a *drainage system* which extends from the ends of the *building drain* and which receives the discharge of the *building drain* and conveys it to:

a. the lateral or main of a community sewerage system;

b. the inlet connection of the primary treatment device of either an individual sewerage system or a commercial treatment facility; or,

c. any other point of sewage disposal.

**Building Storm Drain**—a *building drain* used for conveying rain water, surface water, ground water, subsurface water, condensate, cooling water or other similar discharge to a *building storm sewer*, extending to a point not less than 3 ft (914 mm) outside the building wall.

**Building (House) Storm Sewer**—the extension from the building storm drain to the public storm sewer or other point of disposal.

**Building (House) Subdrain**—that portion of a drainage system which cannot drain by gravity into the building storm sewer.

**Building (House) Trap**—a device, fitting, or assembly of fittings installed in the *building drain* to prevent circulation of air between the *drainage system* of the *building* and the *building sewer*.

**Circuit Vent**—a *branch vent* that serves two or more *traps* and extends from immediately downstream of the uppermost *fixture connection* of a *horizontal branch* to the *vent stack*.

**Code**—generally, refers to Part XIV (Plumbing) of the Sanitary Code, state of Louisiana which may be cited as the “Louisiana State Plumbing Code”, herein referred to as “this code” or “this Part”. Any reference or citation to the Louisiana State Plumbing Code shall likewise be synonymous to any reference or citation to Part XIV (Plumbing) of the Sanitary Code, State of Louisiana. In certain instances, use of this term (*code*) may refer to the entire Louisiana State Sanitary Code (LAC 51) or to certain other Parts of the State Sanitary Code besides Part XIV.

**Combination Fixture**—a fixture combining one sink and tray or a two or three-compartment sink and/or tray in one unit.

**Combination Waste and Vent System**—an alternate designed plumbing system of waste piping embodying the horizontal wet venting of one or more sinks, dishwashers, floor sinks, indirect waste receptors, floor drains, or similar applications where the fixtures are not adjacent to walls or partitions. It consists of an enlarged diameter horizontal waste pipe which has been adequately sized to provide for the free movement of air above the flow line of the drain to ensure an adequate vent system. In this non-conventional or non-prescriptive plumbing system [which requires special approval from the state health officer prior to construction (see Chapter 12 of this code)], each trap of each plumbing fixture does not contain an individual vent. This system is different from battery venting in that it is not necessarily constrained by all of the limits prescribed under the battery venting requirements.

**Commercial**—more suitable for a business or industrial use rather than a *domestic* use. Floor drains, floor sinks, curbed cleaning facilities (with floor drain), hub drains, and commercial dishwashing machines (used in restaurants, for example) are considered *commercial*.

**Commercial Treatment Facility**—any sewage treatment facility (designed in accordance with LAC 51:XIII.503) which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.

**Common Vent**—a vent connecting at the junction of two *fixture drains* and serving as a vent for both fixtures.

**Community Sewerage System**—any sewerage system which serves multiple connections and consists of a collection and/or pumping/transport system and sewage treatment facility.

**Conductor**—see *leader*.

**Continuous Vent**—a vertical vent that is a continuation of the *drain* to which it connects.

**Continuous Waste**—a *drain* from two or three fixtures connected to a single *trap*.

**Critical Level**—the minimum elevation above the *flood-level rim* of the fixture or receptacle served at which a *backflow preventer* device may be installed. The *critical level* marking on a *backflow preventer* device, including but not limited to a *vacuum breaker*, is normally a horizontal line usually stamped on the device by the manufacturer, the location of which has been established by the manufacturer to conform the device to an accepted standard with the goal of having an approved installation of the device to ensure the proper functioning of the device for cross connection control protection purposes. When a *backflow preventer* device does not bear a *critical level* marking, the bottom of the *vacuum breaker*, combination valve or the bottom of any approved *backflow preventer* device shall constitute the *critical level*.

**Cross Connection**—any physical connection or arrangement between two otherwise separate piping systems, one of which contains *potable water* and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. See *backflow* and *back-siphonage*.

**Crown of Trap**—the topmost point of the inside of a *trap's* outlet.

**Dead End**—a *branch* leading from a *soil*, *waste*, or *vent pipe*, *building drain*, or *building sewer*, which is terminated at a *developed length* of 2 ft (610 mm) or more by means of a plug or other closed fitting.

**Depth of Water Seal**—the depth of water which would have to be removed from a fully charged *trap* before air could pass through the *trap*.

**Developed Length**—the length of a pipe along the center line of the pipe and fittings.

**Diameter**—the nominal diameter as designated commercially, unless otherwise stated.

**Domestic**—associated with service to mankind and the activities of his home or *private* residence, the household, household affairs, the family, guest rooms of hotels and motels, and patient rooms of hospital and nursing homes and guest rooms of similar institutions. Water for and *liquid waste* from lavatories, water closets, tubs and showers, kitchens, sinks, and home laundries are considered domestic.

**Double Offset**—two changes of direction installed in succession or series in continuous pipe.

**Downspout**—see *Leader*.

**Drain**—any waste pipe or soil pipe which carries *waste water* or waterborne *wastes* in a *building drainage system*.

**Drainage Piping**—see *Drainage System*.

**Drainage System**—all the piping within *public* or *private* premises, which conveys *sewage*, rain water, or other liquid wastes to a legal point of disposal, but not including:

- a. the laterals or mains of a community sewerage system;
- b. any *individual sewerage system* or *commercial treatment facility* (beginning at the inlet connection of the primary treatment device and any parts downstream); or,
- c. any *sewage treatment or disposal plant* for any *community sewerage system*.

*Durham System*—a term used to describe *soil* or *waste pipe systems* where all piping is of threaded pipe, tubing, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

*Effective Opening*—

a. the minimum cross-sectional area of the *water outlet* at the point of water supply discharge or the minimum cross-sectional area of the *liquid waste outlet* at the point of *indirect waste pipe* discharge, measured or expressed in terms of:

- i. diameter of a circle; or,
- ii. if the outlet is not circular, the diameter of a circle of equivalent cross-sectional area.

b. This term is applicable to and mainly used when determining the minimum unobstructed vertical distance through the free atmosphere {*air gap (water distribution)*} required between the *water outlet* and the *flood rim level* of the *fixture* or receptacle into which it is discharging. This term may also be applicable when determining the minimum unobstructed vertical distance through the free atmosphere {*air gap (drainage system)*} required between a *liquid waste outlet* of an *indirect waste pipe* and the *flood rim level* of the *indirect waste receptor*.

*Existing Work*—a *plumbing system* or any part thereof which has been installed prior to the effective date of this code.

*Fixture*—see *Plumbing Fixtures*.

*Fixture Branch*—a water supply pipe between the *fixture supply* and a *main*.

*Fixture Drain*—the *drain* from the *trap* of a *fixture* to the junction of that *drain* with any other *drain pipe*.

*Fixture Supply*—a water supply pipe or flexible connector that connects a *fixture* to a *fixture branch*.

*Fixture Tail Piece or Connection*—a pipe or other connection located between a *fixture* and its *trap*.

*Fixture Unit*—a quantity in terms of which the load-producing effects on the *plumbing system* of different kinds of *plumbing fixtures* are expressed on some arbitrarily chosen scale. The value assigned for a particular *plumbing fixture* represents the degree to which it is expected to load a *plumbing system* when it is used at the maximum assumed frequency.

*Fixture Unit Flow Rate*—the total discharge flow in gallons per minute of a single *fixture* divided by 7.5 (gal/ft<sup>3</sup>) which provides the flow rate of that particular *plumbing fixture* as a unit of flow. *Fixtures* are rated as multiples of this unit of flow. (One gallon per minute equals 0.0631 liters per second.)

*Flood-Level Rim*—the top edge of the receptacle from which water overflows.

*Floor Drain*—a *plumbing fixture* for recess in the floor having a floor level strainer intended for the purposes of the collection and disposal of *waste water* used in cleaning the

floor and for the collection and disposal of accidental spillage to the floor. This definition does not include *floor sinks* and *indirect waste receptors*.

*Floor Sink*—a type of *indirect waste receptor* installed as a floor level sink and designed with a removable basket strainer or beehive strainer for the purpose of receiving the discharge from *indirect waste pipes* only. This classification does not include *floor drains* with floor level strainers only but may include 3-inch (76 mm) drains with floor level strainers which incorporate funnel drains as an integral part thereof.

*Flush Tank*—a tank located above or integral with water closets, urinals, or similar fixtures for the purpose of flushing the usable portion of the *fixture*. Other than normal atmospheric pressure, the water in the tank is not stored under any other external pressure and the water released from the tank is considered a gravity flush.

*Flush Valves*—a device located at the bottom of the *flush tank* for the purpose of flushing water closets and similar *fixtures*.

*Flushometer Tank*—a device integrated within an air accumulation vessel which is designed to discharge a predetermined quantity of water (which has been stored under pressure) to *fixtures* for flushing purposes.

*Flushometer Valve*—a device which discharges a predetermined quantity of water to *fixtures* for flushing purposes and is actuated by direct water line pressure.

*Frostproof Closet*—a hopper that has no water in the bowl and has the *trap* and the control valve for its water supply installed below the frost line.

*Fueling Points*—the number of fueling hoses which may be activated simultaneously while refueling automobiles or other motor vehicles.

*Gang Shower*—two or more showers in a common area within an institutional building.

*Grade<sub>(G)</sub>*—normally, this references the location of some object in relation to either the floor or ground level elevation.

*Grade<sub>(L)</sub>*—level of achievement attained in school.

*Grade<sub>(Q)</sub>*—a classification or standard of quality of some object or material.

*Grade<sub>(S)</sub>*—the vertical slope (or vertical rise or fall) of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fall in a fraction of an inch per foot length of pipe or by stating the fall as a percentage of the horizontal distance.

*Grease Interceptor*—an *interceptor* of less than 125 gallon capacity which is designed and installed so as to separate and retain grease and which is generally installed indoors entirely above *grade<sub>(G)</sub>*.

*Grease Trap*—an *interceptor* of at least 125 gallon capacity which is designed and installed so as to separate and retain grease and which is generally installed below *grade<sub>(G)</sub>* outdoors with provisions for above *grade<sub>(G)</sub>* accessibility for cleaning purposes.

*Hangers*—see *supports*.

*Horizontal Branch*—a *drain pipe* extending laterally from a soil or waste stack or *building drain*, with or without vertical sections or branches, which receives the discharge from one or more *fixture drains* and conducts it to the soil or waste stack or to the *building drain*.

*Horizontal Pipe*—any pipe or fitting which makes an angle of more than 45 degrees (0.785 rad) with the vertical.

*House Drain*—see *building drain*.

*House Sewer*—see *building sewer*.

*House Trap*—see *building (house) trap*.

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

*Indirect Waste Receptor*—a *plumbing fixture* designed specifically to collect and dispose of *liquid waste* received from an *indirect waste pipe* which is connected to other *plumbing fixtures*, plumbing equipment or appliances which are required to discharge to the *drainage system* through either an *air gap (drainage system)* or *air break (drainage system)*. The following type fixtures fall within the classification of *indirect waste receptors*: *floor sinks*, curbed cleaning facilities with floor drain, and standpipe drains with integral *air gaps (drainage system)* or *air breaks (drainage system)*, and may include others when approved as such by the *plumbing official*.

*Indirect Waste Pipe*—a pipe that does not connect directly with the *drainage system* but conveys *liquid wastes* and then discharges such liquid wastes into an *indirect waste receptor* which is directly connected to the *drainage system*.

*Individual Sewerage System*—any system of piping (excluding the *building drain* and *building sewer*), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the *sewage* originates; and which utilizes the *individual sewerage system* technology which is set forth in LAC 51:XIII.Chapter 7.Subchapter B, or a *commercial treatment facility* which is specifically authorized for use by the *state health officer*.

*Individual Vent*—a pipe installed to vent an individual *fixture trap* and which connects with the *vent system* above the *fixture* served or terminates in the open air.

*Industrial Wastes*—*liquid wastes* resulting from the processes employed in industrial establishments and free of fecal matter.

*Insanitary*—as opposed to *sanitary*; deficient in sanitation; unclean to a degree to be injurious to health; careless or dangerous hygienic conditions; contrary to *sanitary* principles.

*Interceptor*—an automatic or manual device designed and installed to separate and retain deleterious, hazardous, detrimental, damaging, or undesirable matter from normal wastes for proper disposal, rendering or recycling, and also permits normal *sewage* and *liquid wastes* to discharge into the disposal terminal by gravity.

*Journeyman Plumber*—a natural *person* who possesses the necessary qualifications and knowledge to install, alter and/or repair *plumbing systems*; is licensed as such by the State Plumbing Board of Louisiana; is supervised by a *master plumber* and is in the employ of an employing entity. [see R.S. 37:1377(B)]

*LAC*—Louisiana Administrative Code.

*Laundry Tray*—typically, a large and deep 1 or 2 compartment sink used to wash and rinse laundry.

*Leader*—the water conductor (downspout) from the roof to the building storm drain or other means of disposal.

*Lead Free*—

a. in general:

i. not containing more than 0.2 percent lead when used with respect to solder and flux; and,

ii. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

b. calculation:

i. The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

(a). For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii. above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

*Listed*—equipment or materials included in a list published by an approved nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of *listed* equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying *listed* equipment may vary for each testing laboratory, inspection agency, or other organization concerned with product evaluation, some of which do not recognize equipment as *listed* unless it is also labeled. The *plumbing official* should utilize the system employed by the listing organization to identify a *listed* product.

a. In respect to any solder, flux, pipes, pipe fittings, plumbing fittings, or fixtures which are claimed to be lead free, this defined term (*listed*) shall additionally include the requirement that all such solder, flux, pipes, pipe fittings, plumbing fittings, or fixtures have been certified to be lead free by an independent American National Standards Institute (ANSI)-accredited third party testing laboratory, inspection agency or other organization concerned with product evaluation.

*Liquid Waste*—the discharge from any *fixture*, appliance, or appurtenance, in connection with a *plumbing system* which does not receive fecal matter.

*Load Factor*—the percentage of the total connected *fixture unit* flow rate which is likely to occur at any point in the *drainage system*. It varies with the type of occupancy, the total flow unit above this point being considered, and with the probability factor of simultaneous use.

*Local Vent*—a *vent pipe* which is independent of and not connected to the normal *sanitary sewer* vent piping system and which also terminates in the outside atmosphere in accord with the requirements of Section 907 of this code. It is in no way interconnected with any other *vent pipe* except

that the same type of apparatus may be served by a given vent [e.g., one local vent (properly sized) may serve either multiple indirect waste pipes, multiple bedpan washers, or multiple sterilizer vents serving sterilizing apparatus]. Only one type of apparatus shall be served by a given vent. Connections between local vents and normal sanitary plumbing systems are prohibited.

*Loop Vent*—same as a *circuit vent* except that it loops back and connects with the *stack vent* instead of the *vent stack*.

*Main*—the principal artery of any system of continuous piping, to which branches or laterals may be connected.

*Main Vent*—the principal artery of the venting system, to which the vent branches may be connected.

*Manifold*—a device wherein multiple individual distribution pipes are commonly connected and supplied with water. Each individual distribution pipe may be provided with a secondary shutoff valve. If provided, such secondary shutoff valve is located between the *manifold* and the individual distribution pipe.

*Manifold Individual Distribution Pipe*—the specific *water distribution pipe* which delivers water directly from the *manifold* and which terminates at the individual *fixture* water shutoff valve located on the *fixture* side of the wall. This term does not include the fixture supply line from the *fixture* valve to the water connection on the *fixture* itself.

*Master Plumber*—a natural *person* who possesses the necessary qualifications and knowledge to plan and lay out *plumbing systems*; who supervises *journeyman plumbers* in the installation, alteration and/or repair of *plumbing systems* and who is licensed as such by the State Plumbing Board of Louisiana. [see R.S. 37:1377(A)]

*May*—the word "may" is a permissive term.

*Mop Sink*—see *service sink*.

*Nonpotable Water*—in addition to its ordinary meaning, includes water of questionable potability on the discharge side of a *backflow preventer* used to isolate a portion of a *water distribution system* from the remainder of the *water distribution system* due to *backflow* connections.

*Nuisance*—public *nuisance* as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; whatever building, structure, or premises is not sufficiently ventilated, sewered, drained, cleaned, or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

*Offset*—a combination of elbows or bends in a line of piping which brings one section of the pipe out of the line but into a line parallel with the other section.

*Permit Holder*—any *person* required to obtain a permit to do *plumbing* work in accordance with state, parish, city or other local laws or ordinances. (Where such permits are not available, the property owner, contractor and installer shall be jointly responsible for the installation being in compliance with the requirements of this code and, where applicable, may all be considered *permit holders* as the term is used in this code.)

*Person*—a natural *person*, his heirs, executors, administrators, or assigns; and includes a firm, partnership or corporation, it's or their successors or assigns, the state of Louisiana or any of its political subdivisions, the United States government or any of its political subdivisions and

any officer, employee and agent of one of those entities. Singular includes plural; male includes female.

*Pitch*—see *grade*<sub>(s)</sub>.

*Plumbing*—the practice, materials and *fixtures* used in the installation, maintenance, extension and alteration of all piping, *fixtures*, appliances and appurtenances in connection with any of the following: *Sanitary* drainage or storm drainage facilities, the venting system and the *water distribution system*, within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of medical gas piping, medical vacuum piping, storm water, *liquid waste* or *sewage*, and the *water distribution system* of any premises to their connection with any point of disposal or other acceptable terminal. *Plumbing* does not include the installation, alteration, repair or maintenance of automatic sprinklers and their related appurtenances including standpipes when connected to automatic sprinklers and including the underground or overhead water supply beginning at the outlet of an approved *backflow* prevention device installed under the *plumbing* provisions of this code where water is to be used or is intended for use exclusively for fire protection purposes.

*Plumbing Appurtenance*—manufactured device, or a prefabricated assembly, or an on-the-job assembly of component parts, which is an adjunct to the basic piping system and *plumbing fixtures*. An appurtenance demands no additional water supply, nor does it add any discharge load to a *fixture* or the *drainage system*. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the *plumbing system*.

*Plumbing Fixtures*—are installed receptacles, devices, or appliances which are supplied with water or which receive or discharge liquids or liquid-borne wastes, with or without discharge into the *drainage system* with which they may be directly or indirectly connected.

*Plumbing Inspector*—see *plumbing official*.

*Plumbing Official*—the *state health officer* and any individual official, board, department or agency established and authorized by a state, parish, city or other political subdivision created by law to administer and enforce the provisions of this code as adopted or amended. (Note: Since two persons/entities comprise the term *Plumbing Official*, for purposes of this code, the *state health officer* is sometimes referred to as the "co-State Plumbing Official" and the local plumbing jurisdiction is sometimes referred to as the "co-Local Plumbing Official".)

*Plumbing System*—includes the water-supply and distribution pipes; *plumbing fixtures* and *traps*; *soil*, *waste* and *vent pipes*; *building drains* and *building sewers* including their respective connections, devices and *appurtenances* within the property lines of the premises; water treating or water using equipment; and medical gas and medical vacuum piping and equipment.

*Potable Water*—water having bacteriological, physical, radiological and chemical qualities that make it safe and suitable for human consumption.

*Pressure*—the normal force exerted by a homogenous liquid or gas, per unit of area, on the wall of the container.

a. *Pressure, Static*—the pressure existing without any flow.

b. *Pressure, Flowing*—the residual *pressure* in the water supply pipe at the faucet or water outlet while the faucet or water outlet is wide open and flowing.

c. *Pressure, Residual*—the *pressure* available at the fixture or water outlet after allowance is made for *pressure* drop due to friction loss, head, meter and other losses in a system during maximum demand periods.

*Private* or *Private Use*—in the classification of *plumbing fixtures*, *private* applies to *fixtures* in residences or apartments and similar installations where the *fixtures* are intended for the use of a family or an individual.

*Public* or *Public Use*—in the classification of *plumbing fixtures*, *public* applies to *fixtures* in general, toilet rooms of schools, gymnasiums, hotels and motels, airports, bus and railroad stations, office buildings, *public* buildings, stadiums, department and mercantile stores, *public* comfort stations, bars, restaurants, commercial buildings or places to which the *public* is invited or which are frequented by the *public* without special permission or special invitation, and other installations (whether pay or free) where a number of *fixtures* are installed so that their use is similarly unrestricted.

*Reclaimed Water*—treated wastewater effluent meeting the requirements of the Louisiana Reclaimed Water Law (R.S. 30:2391 et seq.) that is suitable for a direct *beneficial use* or a controlled use and that is therefore considered a valuable resource.

*Readily Accessible*—having direct access without the need of removing any panel, door or similar covering of the item described and without requiring the use of portable ladders, chairs, etc. See *Accessible*.

*Relief Vent*—a vent whose primary function is to provide circulation of air between the *drainage system* and *vent system*.

*Residential Buildings*—buildings in which families or households live and in which cooking and sleeping accommodations are provided for each family or household unit independently, and in which no area within the building is used or occupied for any other purpose except that such buildings may have central washing facilities, as permitted in Chapter 4.

*Return Offset*—a double *offset* installed so as to return the pipe to its original alignment.

*Revent Pipe*—that part of a vent pipe line which connects directly with an individual waste or group of wastes, underneath or in back of the *fixture* and extends either to the *main vent* or *branch vent*. Sometimes called an *individual vent*.

*Riser*—a water supply pipe which extends vertically one full story or more to convey water to *branches* or *fixtures*.

*Roof Drain*—a drain installed to receive water collecting on the surface of a roof and to discharge it into the *leader* (downspout).

*Roughing-In*—the installation of all parts of the *plumbing system* which can be completed prior to the installation of *fixtures*. This includes drainage, water supply, and vent piping, and the necessary *fixture* supports.

*Sand Interceptor*—an *interceptor* used to remove sand from the *liquid waste* stream.

*Sanitary*—for or relating to the preservation or restoration of health; associated with measures or equipment for improving conditions that influence health; free from or

effective in preventing or checking an agent injurious to health; a water closet, urinal, or similar equipment fitted with appropriate *plumbing* for the purpose of conducting wastewater to a point of collection and treatment prior to discharge.

*Sanitary Sewage*—see *sewage*.

*Sanitary Sewer*—a pipe which carries *sewage* and excludes storm, surface and ground water.

*Scald-Preventative Valve*—a type of valve placed in a water distribution system which is designed to prevent *persons* from being scalded with hot water when using certain types of plumbing fixtures. The valve uses one of the following technologies in its design:

a. a pressure balancing valve which senses incoming hot and cold water pressures and compensates for fluctuations in either to stabilize outlet temperature;

b. a thermostatic valve which senses outlet temperature and compensates for fluctuations in incoming hot and cold water temperatures and pressures to stabilize outlet temperature; or,

c. a combination thermostatic/pressure balancing valve which senses outlet temperature and incoming hot and cold water pressures and compensates for fluctuations in incoming hot and cold water temperatures and pressures to stabilize outlet temperature.

*Scupper*—an opening in a wall or parapet that allows water to drain from a roof.

*Separator*—see *interceptor*.

*Septic Tank*—a watertight receptacle which receives the discharge of a building sewer and is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid effluent to discharge into soil absorption trenches, an oxidation pond, a deep-type sand filter bed, and/or an effluent reduction option outside of the tank, all as approved and permitted by the state health officer under the requirements of Part XIII (Sewage Disposal) of the Louisiana State Sanitary Code (LAC 51:XIII).

*Service Sink (slop/mop sink)*—a deep bowl fixture intended for the filling and emptying of buckets or pails. Generally used for janitorial services.

*Sewage*—any *liquid waste* and/or other waste containing animal or vegetable matter in suspension or solution (and may include liquids containing chemicals in solution), the disposal of which requires a *sewerage system* approved and authorized by the *state health officer*, and may include its conveying liquid and/or other liquid or solid material which may be present therein.

*Sewerage System*—any system of piping (excluding the *building drain* and *building sewer*) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of *sewage*.

*Shall*—mandatory requirements.

*Should*—recommended or advisory procedures or equipment (i.e., not a mandatory requirement).

*Side Vent*—a *vent pipe* connecting to the drain pipe through a fitting at an angle not greater than 45 degrees (0.785 rad) to the vertical.

*Slip Joint*—a mechanical type joint used primarily on *fixture traps*. The joint tightness is obtained by compressing a friction type washer such as rubber, nylon, neoprene, lead

or special packing material against the pipe by the tightening of a (slip) nut.

*Slope*—see *grade<sub>(s)</sub>*.

*Slop Sink*—see *service sink*.

*Soil Pipe*—any pipe which conveys the discharge of water closets or *fixtures* having similar functions, with or without the discharge from other *fixtures*, to the *building drain* or *building sewer*.

*Solvent Cement*—an adhesive (solvent) or mixture of adhesives which when applied to the surface of pipe and fittings will soften and fuse the plastic resin or compound of resins. Pipes and fittings are then joined causing the surfaces to unite forming a liquid tight joint.

*Special Waste Pipe*—see Chapter 8 of this code.

*Spill-Proof Vacuum Breaker*—an assembly consisting of one check valve force-loaded closed and an air inlet valve force-loaded open to atmosphere, positioned downstream of the check valve.

*Stack*—the vertical *main* of a system of soil, waste or vent piping.

*Stack Group*—a term applied to the location of *fixtures* in relation to the *stack* so that by means of proper fittings, vents may be reduced to a minimum.

*Stack Vent*—the extension of a soil or waste *stack* above the highest horizontal *drain* connected to the *stack*. Sometimes called *waste vent* or soil vent.

*Stack Venting*—a method of venting *fixtures* on a single *branch interval* through the soil or waste *stack*.

*State Health Officer*—means the legally appointed and/or acting *state health officer* as defined in R.S. 40:2 and includes his/her duly authorized technical representative; however, in the case of variances allowed under Section 105 of this code, this term shall mean the *state health officer* acting personally or any such *person* that the *state health officer* has personally designated to duly sign such variances in his/her behalf.

*Storm Drain*—see *building storm drain*.

*Storm Sewer*—a sewer used for conveying rain water, surface water, condensate, cooling water or similar *liquid wastes*.

*Subsoil Drain*—a *drain* which receives only subsurface or seepage water and conveys it to a place of collection and/or disposal.

*Substantial Renovation*—

a.i. alterations or repairs made within a 12 month period, costing in excess of 50 percent of the then physical value of the existing building; or

ii. alterations or repairs made within a 12 month period, costing in excess of \$15,000; or

iii. alterations or repairs made involving a change in "occupancy classification" or use of the property.

b. The physical value of the building in Clause a.i of this Paragraph may be established by an appraisal not more than three years old, provided that said appraisal was performed by a certified appraiser or by the tax assessor in the parish where the building is located.

c. The cost of alterations or repairs in Clause a.ii or a.iii of this Paragraph may be established by:

i. an estimate signed by a licensed architect or a licensed general contractor; or

ii. by copies of receipts for the actual costs.

d. The text contained in Subparagraphs a.i - c.ii of this Paragraph continues to apply when any particular portion of this code calls for an additional requirement to the term substantial renovation (e.g., see §411.A.1 of this code).

*Sump*—a tank or pit which receives *sewage* or *liquid waste*, located below the normal *grade<sub>(s)</sub>* of the gravity system and which must be emptied by mechanical means.

*Supports*—devices used for supporting and securing pipe and *fixtures* to walls, ceilings, floors or structural members.

*This Code*—LAC 51:XIV and synonymous to *this Part*.

*This Part*—LAC 51:XIV and synonymous to *this code*.

*Toe*—the point where the interstate highway's exit/entrance ramp meets the intersecting highway.

*Trailer Trap*—a device, fitting or assembly of fittings installed in the *building sewer* for a *travel trailer* or *mobile/manufactured home* which is used to prevent the circulation of air between the *building sewer* and the *drainage system* of the individual *travel trailer* or *mobile/manufactured home*.

*Trap*—a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of *sewage* or *waste water* through it.

*Trap Primer (drainage type)*—an approved device complying with ASSE 1044 designed to deliver a sufficient amount of wastewater to a seldom used *trap* in order that the *trap seal* may be properly maintained.

*Trap Primer (potable water supply fed type)*—an approved device designed to deliver a sufficient amount of water obtained directly from a potable water pressure pipe to a seldom used *trap* in order that the *trap seal* may be properly maintained.

*Trap Seal*—the maximum vertical depth of liquid that a *trap* will retain, measured between the *trap's* crown weir and the top of the dip of the *trap*.

*Trap Seal Primer Valve*—see *trap primer* (potable water supply fed type).

*Unstable Ground*—earth that does not provide a uniform bearing for the barrel of the sewer pipe between the joints at the bottom of the pipe trench.

*Vacuum Breaker*—a device which prevents *back-siphonage* of water by admitting atmospheric pressure through ports to the discharge side of the device.

*Vent Pipe*—see *vent system*.

*Vent Stack*—a vertical *vent pipe* installed primarily for the purpose of providing circulation of air to and from any part of the *drainage system*.

*Vent System*—a pipe or pipes installed to provide a flow of air to or from a *drainage system* or to provide a circulation of air within such system to protect *trap seals* from siphonage and back pressure.

*Vertical Pipe*—any pipe or fitting which is installed in a vertical position or which makes an angle of not more than 45 degrees (0.785 rad) with the vertical.

*Wash Rack*—a floor or slab area with *floor drain* used for cleaning containers and equipment exposed to organic wastes of food origin.

*Waste*—see liquid waste and industrial wastes.

*Waste Pipe*—a pipe which conveys only *liquid waste*, free of fecal matter.



*Waste Vent*—see *stack vent*.

*Water Distribution Pipe*—the piping within a building or structure which conveys cold or hot water from the *water service pipe* to the *plumbing fixtures* and other water outlets.

*Water Distribution System*—the system of pipes that is installed and maintained by the owner or owners on the premises or private property from the discharge side of the meter, the *water main*, or other approved sources of water supply. This system includes the necessary connecting pipes, fittings, control valves, all *appurtenances* connected thereto, and includes fire protection piping if not installed as a separate system.

*Water Heater*—an appliance for supplying potable hot water for domestic or commercial purposes.

*Water Main*—the principal artery (or arteries) used for the distribution of *potable water* to consumers by a *water supply system*. For publicly-owned water supply systems (e.g., municipal water supply systems), water mains are normally located on public property, in the street, or in an approved dedicated easement.

*Water Outlet*—as used in connection with the *water distribution system*, the discharge opening for the water to:

- a. a fixture;
- b. atmospheric pressure (except into an open tank which is part of the water distribution system);
- c. a boiler or heating system; or,
- d. any water-operated device or equipment, but not a part of the *plumbing system*.

*Water Riser Pipe*—see *riser*.

*Water Service Pipe*—the pipe from the *water main*, water meter, *water supply system* or other approved source of water supply, to the building or structure served.

*Water Supply System*—the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated (if necessary) to make it *potable* and then distributed (with or without charge) for *human consumption* or other use.

*Wet Bar*—a bar within a food service establishment at which patrons may walk up to, order, and receive an alcoholic beverage directly from a bartender.

*Wet Vent*—a vent which receives the discharge from wastes other than water closets.

*Yoke Vent*—a pipe connecting upward from a soil or waste *stack* to a *vent stack* for the purpose of preventing pressure changes in the *stacks*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7), R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2798 (November 2012).

### **Chapter 3. General Regulations**

#### **§301. General**

A. Scope. The provisions of this Chapter shall govern the general regulations not specific to other Chapters.

B. Basic Principles. The basic principles of this Subsection are enunciated below as basic goals in environmental sanitation worthy of accomplishment through properly designed, acceptably installed and adequately maintained plumbing systems. Some of the details of plumbing construction must vary, but the basic sanitary and safety principles are the same. The principles may serve to

define the intent of this Part and other applicable Parts of the Louisiana State Sanitary Code (LAC 51).

1. Principle Number 1. Buildings, structures and premises intended for human habitation, occupancy, use of employment, or the preparation or processing of food, drinks or other materials for human consumption shall be provided with an adequate, safe and potable water supply through a safe system of piping to all fixtures, appliances, appurtenances, etc.

2. Principle Number 2. Every building having plumbing fixtures installed and intended for human habitation, occupancy or use on premises abutting on a street, alley or easement in which there is a community sewerage system shall have a separate connection with the sewer main.

3. Principle Number 3. A dwelling type building provided with a drainage system, a community sewerage system connection or an individual sewerage system shall have at least one water closet, one bathtub or shower, one lavatory, one kitchen-type sink and an adequate source of hot water for each family unit to meet minimum basic requirements for health, sanitation and personal hygiene. Water heating facilities shall be accessible for emergency maintenance without entering any individual apartment or living unit, except that water heaters may be located within an apartment or living unit when supplying hot water to that unit only. All other buildings, structures or premises intended for human occupancy or use shall be provided with adequate sanitary facilities as may be required, but not less than one water closet and one lavatory.

4. Principle Number 4. Plumbing fixtures shall be made of smooth nonabsorbent material, shall be free from concealed fouling surfaces, and shall be located in ventilated enclosures.

5. Principle Number 5. Each fixture directly connected to the sanitary drainage system shall be equipped with a water-seal trap.

6. Principle Number 6. No substance which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints or interfere unduly with the sewage disposal process shall be allowed to enter the building drainage system.

7. Principle Number 7. Proper protection shall be provided to prevent contamination of food, water, sterile goods and similar materials by backflow of sewage. When necessary, the fixture, device or appliance should be connected indirectly with the building drainage system.

8. Principle Number 8. No water closet shall be located in a room or compartment which is not properly lighted and ventilated.

9. Principle Number 9. If water closets or other plumbing fixtures are installed in buildings where there is no sewer within a reasonable distance, suitable provision shall be made for disposing of the building sewage by some accepted method of sewage treatment and disposal.

10. Principle Number 10. Where a plumbing drainage system may be subject to backflow of sewage, suitable provisions shall be made to prevent its overflow in the building.

11. Principle Number 11. Plumbing shall be installed with due regard to preservation of the strength of structural

members and prevention of damage to walls and other surfaces through fixture usage.

12. Principle Number 12. Sewage or other waste, from a plumbing system, which may be deleterious to surface or subsurface waters shall not be discharged into the ground or into any waterway unless it has first been rendered innocuous through subjection to some acceptable form of treatment.

13. Principle Number 13. Plumbing fixtures, devices, appliances and appurtenances shall be adequately supplied with water in sufficient volume and pressure to enable them to function properly.

14. Principle Number 14. The pipes conveying water to plumbing fixtures, appliances, devices and appurtenances shall be of sufficient size as to supply water at rates that will prevent undue pressure drops at any one fixture, when any other fixture, appliance, device or appurtenance or group is being flushed, operated or used.

15. Principle Number 15. There shall be no direct or indirect cross connections, either existing or potential, between a safe potable water supply and an unsafe, nonpotable supply.

16. Principle Number 16. Adequate protection shall be provided to prevent possible backflow or back-siphonage of an unsafe or potentially hazardous fluid or material into a safe water supply.

17. Principle Number 17. Piping and connections of the plumbing system shall be of durable materials, free from defects in workmanship and materials, and systems shall be designed and constructed to provide adequate service for a reasonable life under stresses imposed by structural loading, temperature variation, vibration and other conditions.

18. Principle Number 18. Devices for heating and storing water shall be designed and installed to prevent all danger from overheating and explosion and to prevent undue flow of hot water or steam into the cold water supply pipes.

19. Principle Number 19. Refrigerators, coolers, receptacles, sterilizers, vats and similar equipment used for storing or holding foods, beverages, sterile goods and water conditioning equipment, etc., shall discharge into the building drainage system through an indirect waste.

20. Principle Number 20. Water closets, bathtubs, showers, urinals and similar fixtures shall be suitably enclosed and screened for privacy.

21. Principle Number 21. Plumbing systems, including fixtures, shall be maintained in sanitary condition and proper working order.

22. Principle Number 22. Sewage and wastes from plumbing and drainage systems shall be adequately treated and disposed of in accordance with the requirements of the plumbing official.

23. Principle Number 23. No potable water, soil or waste pipe shall be installed or permitted outside of a building, or concealed in outside walls or in any place where they may be subjected to freezing temperatures, unless adequate provision is made to protect them from freezing.

C. Repairs and Alterations. In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, necessary deviations from the provisions of this Part may be permitted, provided such deviations conform to the intent of this Part and are approved in writing by the plumbing official.

D. Health or Safety. Wherever compliance with all the provisions of this code fails to eliminate or alleviate a nuisance which may involve health or safety hazards, the owner or his agent shall install such additional plumbing or drainage equipment as may be necessary to abate such nuisance.

E. Workmanship. Workmanship shall conform to generally accepted good practice.

F. Rodent-Proofing. All exterior openings provided for the passage of piping shall be properly sealed with snugly fitting collars of metal or other approved rodent-proof material securely fastened into place. (Also, additional/more specific requirements which may be applicable can be found at LAC 51:V.305.F, LAC 51:V.305.J, and LAC 51:V.307.C.)

1. Interior openings through walls, floors, and ceilings shall be rodent-proofed as found necessary by the plumbing official.

G. Used Equipment. It shall be unlawful to install used equipment or material for plumbing installations unless it complies with the minimum standards set forth in this code and is approved by the plumbing official.

H. Condemned Equipment. Any plumbing equipment condemned by the plumbing official because of wear, damage, defects, or sanitary hazards shall not be reused for plumbing purposes.

I. Drainage Below Sewer Level. Drainage piping located below the level of the sewer shall be installed in accordance with Chapter 7 of this code.

J. Connections to Drainage System. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected properly to the drainage system of the building or premises, in accordance with the requirements of this code. This Subsection shall not be construed to prevent indirect waste systems provided for in Chapter 8 of this code.

K. Connections to Water Supply. Every plumbing fixture or device or appliance requiring or using water for its proper operation shall be directly or indirectly connected to the water supply system in accordance with the provisions of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S.40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2806 (November 2012).

### **§303. Materials**

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. Minimum Standards. Materials listed in this Section are applicable to more than one Chapter. Material requirements for specific systems and fixtures are noted in the specific Chapters. Materials listed in this code shall conform at least to the standards cited when used in the construction, installation, alteration, or repair of any part of a plumbing and drainage system, except that the plumbing official shall allow the extension, addition, or relocation of existing soil, waste or vent pipes with materials of like grade<sup>(Q)</sup>, as permitted by this code.

B. Use of Materials. Where more than one standard is listed, the material shall conform to at least one of the standards cited opposite it. Its use shall be further governed

by the requirements imposed in other chapters of the code. Materials not included in the table shall be used only as provided for in §303.A of this code. Materials shall be free of manufacturing defects or damage, however occasioned, which would, or would tend to, render such materials defective, unsanitary, or otherwise improper to accomplish the purpose of this code.

C. Specifications for Materials. Standard specifications for general materials for plumbing installations are listed in Table 303 of this code, with specific material specifications listed elsewhere in this Part. Products conforming at least to any one of the specifications listed for a given material shall be considered acceptable.

1. Abbreviations used in Table 303 of this code, and with the specific materials as listed elsewhere in this Part refer to standards or specifications as identified below. Addresses and more information for these organizations are listed in Section 1405 of this code.

*AGA*—American Gas Association.

*AHRI*—Air-Conditioning, Heating, and Refrigeration Institute.

*ANSI*—American National Standards Institute, Inc.

*ARI*—Air Conditioning and Refrigeration Institute (effective January 1, 2008, now AHRI)

*APSP*—Association of Pool and Spa Professionals [formerly, National Pool and Spa Institute (*NSPI*)]

*ASME*—American Society of Mechanical Engineers.

*ASSE*—American Society of Sanitary Engineering.

*ASTM*—American Society for Testing Materials International.

*AWS*—American Welding Society.

*AWWA*—American Water Works Association.

*CDA*—Copper Development Association, Inc.

*CISPI*—Cast Iron Soil Pipe Institute.

*CAN/CSA*—Canadian Standards Association.

*FHA-MPS*—Federal Housing Administration - Minimum Property Standards.

*FMRC*—Factory Mutual Research Corporation (approval standards obtained from FM Approvals, LLC)

*FS*—Federal Specifications

(obtained from the General Services Administration, Federal Supply Service, Specification Section)

*MSS*—Manufacturers Standardization Society of the Valve and Fittings Industry, Inc.

*NFPA*—National Fire Prevention Association.

*NSF*—NSF International.

*PDI*—Plumbing and Drainage Institute.

*PPFA*—Plastic Pipe & Fittings Association.

*PPI*—Plastics Pipe Institute.

*PS*—Product Standard

(by the United States Department of Commerce and obtained from the Superintendent of Documents, Government Printing Office)

*UL*—Underwriters Laboratories, Inc.

2. ASTM standards are issued under fixed designations; the final number shown in Chapter 14 of this code indicates the year of original adoption, or in the case of revision, the year of last revision. "T" indicates Tentative. In the "CS" series of standards, also, the final number indicates the year of issue.

Table 303 General Materials	
Materials	Standards
<b>Plastic Materials</b>	
Acrylics	ASTM D 788
Nylon	ASTM D 789
Polytetrafluoroethylene (PTFE)	ASTM D 4894, ASTM D4895
<b>Plastic Cement And Solvents</b>	
ABS-Solvent Cement	ASTM D 2235, Listed
Joints for IPS PVC Pipe Using Solvent Cement	ASTM D 2672
Making Solvent-Cement Joints with Polyvinyl Chloride (PVC) Pipe and Fittings	ASTM D 2855
Primers for use in Solvent Cemented Joints of Polyvinyl Chloride (PVC) Plastic Pipe and Fittings	ASTM F 656
PVC Solvent Cement	ASTM D 2564, Listed
Solvent Cements for Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Polyvinyl Chloride (PVC) Non-Pressure Piping Components	ASTM D 3138, see §711.D.4 of this code (Note: This is not an all-purpose solvent cement. Only to be utilized for joining a building drain to a building sewer)
Safe Handling of Solvent Cements used for Joining Thermoplastic Pipe and Fittings	ASTM F 402
Solvent Cements for Chlorinated Polyvinyl Chloride (CPVC) Plastic Pipe and Fittings	ASTM F 493
<b>Plastic Pipe Installation</b>	
Electrofusion Joining Polyolefin Pipe and Fittings	ASTM F 1290, see §621.E of this code
Heat Fusion Joining of Polyethylene Pipe and Fittings	ASTM F 2620, see §621.E of this code
Heat Joining Polyolefin Pipe and Fittings	ASTM D 2657
Underground Installation of Flexible Thermoplastic Sewer pipe	ASTM D 2321
Underground Installation of Thermo-Plastic Pressure Piping	ASTM D 2774
<b>Valves</b>	
Pressurized Fixture Flushing Devices (Flushometers)	ASSE 1037
<b>Metal Sheet</b>	
Brass, sheet	ASTM B 248/B 248M
Copper, sheet	ASTM B 152/B 152M
Lead, sheet	FS QQ-L-201F(2)
Steel Sheet, Zinc-Coated Galvanized by the Hot-Dip Process	ASTM A 653/A 653M
<b>Miscellaneous</b>	
Bare Stainless Steel Welding Electrodes and Rods	AWS A 5.9/A 5.9M
Brazing Filler Metal	AWS A 5.8/A 5.8M
Cement Lining	AWWA C 104, ANSI A 21.4
Cleanouts	ASME A 112.36.2M
Coal-Tar Enamel and Tape (Protective Coating)	AWWA C 203
Compression Gaskets for Cast Iron Soil Pipe and Fittings	ASTM C 564, CISPI HSN
Couplings used in Cast Iron Systems	ASTM C 564 (Gasket Material Only), CISPI 310, FMRC 1680, ASTM C 1277
Drinking Water Treatment Units Health Effects Aesthetic Effects	NSF 53, NSF 42
Fixed Flow Restrictors	ASSE 1034
Flexible Transition Couplings for Underground Piping Systems	ASTM C 1173
Floor and Trench Drains	ASME A 112.6.3

Table 303 General Materials	
Materials	Standards
Grooved and Shouldered Type Joints	AWWA C 606
Handheld Showers (Backflow Prevention Devices)	ASSE 1014
Laboratory Faucet Backflow Preventers	ASSE 1035
Liquid and Paste Fluxes for Soldering of Copper and Copper Alloy Tube	ASTM B 813
Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installation	ANSI A 118.10
Making Copper Soldered Joints	ASTM B 828
Plastic Toilet (Water Closet) Seats	IAPMO Z 124.5
Reverse Osmosis Drinking Water Treatment Systems	NSF 58
Roof, Deck and Balcony Drains	ASME A 112.6.4
Rubber Gaskets for Concrete Pipe and Manholes	ASTM C 443/C 443M
Rubber Rings for Asbestos Cement Pipe	ASTM D 1869, see §313.E of this code
Rubber and Thermoplastic Elastomers, Test Methods	ASTM D 395, ASTM D 412, 711.D
Solder Metal	ASTM B 32
Supports (Floor-Affixed) for Off-the-Floor Plumbing Fixtures for Public Use	ASME A112.6.1M
Supports(Framing-Affixed) for Off-the-Floor Water Closets with Concealed Tanks	ASME A112.6.2
Wall Hydrants, Frost Resistant, Automatic Draining, Anti-Backflow Type	ASSE 1019

D. Identification of Materials. Each length of pipe and each pipe fitting, trap, fixture and device used in a plumbing system shall be marked in accordance with the approved applicable standard to which it is manufactured.

E. Installation of Materials. All materials used shall be installed in strict accordance with the standards under which the materials are accepted and approved, including the appendices which are related to installation. In the absence of such installation procedures, the manufacturer's published procedures or recommendations shall be followed.

F. Water Piping Quality. All potable water pipes, pipe related products and materials that join or seal pipes and pipe related products shall be evaluated and listed as conforming with a national consensus product (or material) standard, ANSI/NSF Standard 61, and NSF/ANSI 372. Any solder or flux used in the installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

1. Exception. The lead free requirement of §303.F of this code above shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

G. Special Materials. The following apply to several special materials.

1. Lead. See Table 303 of this code. Sheet lead shall be not less than the following:

a. For safe pans - not less than 4 pounds per square foot (psf) [19.5 kilograms/meter<sup>2</sup> (kg/m<sup>2</sup>)] coated with an asphalt paint or equivalent.

b. For flashings of vent terminals - not less than 3 psf (14.6 kg/m<sup>2</sup>).

c. Lead bends and lead traps shall be not less than 1/8-inch (3.18 mm) wall thickness.

d. Any solder or flux which is used in the installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (i.e., shall not contain more than 0.2 percent lead). Any pipe, pipe fitting, plumbing fitting, and fixture which is used in the installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (i.e., shall not contain more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.).

i. Exception. The lead free requirement of Subparagraph d of this Paragraph shall not apply to:

(a) leaded joints necessary for the repair of existing cast iron pipes;

(b) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

(c) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

2. Copper. See Table 303 of this code. Sheet copper shall be not less than the following:

a. Safe pans - 12 ounces (oz) per square foot (sq ft) (3.7 kg/m<sup>2</sup>).

b. Vent terminal flashings - 8 oz per sq ft (2.4 kg/m<sup>2</sup>).

3. Caulking Ferrules. Caulking ferrules shall be manufactured from bronze, wrought copper, or brass and shall be in accordance with Table 303.G.3 of this code below.

Table 303.G.3 Caulking Ferrules			
Pipe Size (in)	Inside Diameter (in)	Length (in)	Minimum Weight Each
2	2 ¼	4 ½	1 lb 0 oz
3	3 ¼	4 ½	1 lb 12 oz
4	4 ¼	4 ½	2 lb 8 oz

4. Soldering Bushings. Soldering bushings where permitted shall be of red brass in accordance with Table 303.G.4 of this code below.

Table 303.G.4 Soldering Bushings	
Pipe Size (In)	Minimum Weight Each
1 1/4	6 oz
1 1/2	8 oz
2	14 oz
2 1/2	1 lb 6 oz
3	2 lb 0 oz
4	3 lb 8 oz

5. Floor Flanges. The following applies to floor flanges.

a. Floor flanges for water closets or similar fixtures shall be not less than 1/8-inch (3.18 mm) thick for brass, 1/4-inch (6.35 mm) thick and not less than 2-inch (51 mm) caulking depth for cast iron or galvanized malleable iron. Flanges shall be of the approved type. Offset closet flanges shall be prohibited, except by approval of the plumbing official. Closet screws and bolts shall be of brass.

b. Flanges shall be soldered to lead bends, or shall be caulked, soldered or threaded to other metal. Plastic flanges shall be joined to plastic closet bends with the approved solvent cement.

6. Cleanouts. The following applies to cleanouts.

a. Cleanouts shall have plugs of brass and shall conform to ASTM A 74. Cleanouts may also have plugs of approved nylon plastic. Plugs may have raised square or countersunk heads except countersunk head shall be used where raised heads may cause a hazard.

b. Cleanout plugs with borosilicate glass systems shall be of borosilicate glass.

7. Nonmetallic Shower Pans. The following applies to non-metallic shower pans.

a. Plasticized polyvinyl chloride (PVC) sheet shall be a minimum of 0.040 inch (1.02 mm) thick, and shall meet the requirements of ASTM D 4551. Sheets shall be joined by solvent welding in accordance with the manufacturer's published recommendations.

b. Non-plasticized chlorinated polyethylene (CPE) sheet shall be a minimum 0.040 inch (1.02 mm) thick and shall meet the requirements of ASTM D 4068. Sheets shall be joined by solvent welding in accordance with the manufacturer's published recommendations.

c. Load bearing, bonded, waterproof membranes for thin-set ceramic tile and dimension stone installation shall meet the requirements of ANSI A 118.10 and shall be installed in accordance with the manufacturer's published recommendations.

d. All shower pan material shall be permanently marked by the manufacturer so as to enable the inspecting authority to determine the acceptability of the material and its identification according to the code. This marking is to be conveniently readable to the inspector when the material is in its installed position.

H. Limitations of Use of Materials. The following applies to limitations on the use of certain materials.

1. Pressure-rated Plastic Pipe and Fittings for Water Service Pipe. The following applies to pressure-rated plastic pipe and fittings for water service pipe.

a. In Tables 303 and 603 of this code, the 4-digit numbers listed under "Materials" column represent the ASTM identification numbers assigned to these materials by

the joint ASTM-NSF-PPI committee to assist in quick, easy identification of the materials. The numbers appear as a part of the marking on the pipe and tubing. These and no others are approved.

b. All plastic pipe and fittings approved in this code shall be properly marked as specified by their respective standards. All material shall be installed in accordance with the applicable ASTM standards. No materials shall be commingled within the same system except those which are specifically approved in writing in the respective standards.

c. Existing metallic water service piping used for electrical grounding shall not be replaced with nonmetallic pipe or tubing until other grounding means are provided which are satisfactory to the proper administrative authority having jurisdiction.

2. Plastic Pipe and Fittings for Drain, Wastes and Vents. The following applies to plastic pipe and fittings for drain, wastes and vents.

a. Installations for plumbing drainage, waste and vents both above and below ground, indirect waste and storm drains shall conform to applicable standards listed in Tables 303 and 703 of this code and in conformity with the combustible materials regulations of plumbing in fire rated assemblies, in concealed spaces, and in plenums as required by the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session.

b. There shall be no commingling of different materials except through proper adapters. In all cases, approved solvent cement designated for the particular material shall be used.

c. Coextruded pipe with a cellular core and solid wall ABS DWV and PVC DWV plastic pipe shall be IPS Schedule 40 when used for drain, wastes and vents.

3. Stainless Steel Water Tube. Stainless steel water tube and piping shall conform to the standards listed in Table 603 of this code.

4. Plastic Pipe for Drains and Sewers. The following applies to plastic pipe for drains and sewers.

a. Coextruded PVC plastic pipe shall have a pipe stiffness of 25 (PS 25) when used for storm sewers, storm drains, foundation drains, and subsoil drains.

b. Coextruded PVC plastic pipe shall have a pipe stiffness of 50 (PS 50) when used for outside building sewers, storm drains, and storm sewers in accordance with §§705.A, 1101.E, 1103.C and 1103.D of this code.

5. Plastic Piping Components and Related Materials. All plastic plumbing pipes, plastic plumbing piping components and related materials shall be listed as conforming with NSF Standard 14.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7), R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2807 (November 2012).

### §305. Protection of Pipes

A. Breakage and Corrosion. Pipes passing under or through walls shall be protected from breakage. Pipes passing through concrete or cinder walls and floors or other corrosive material shall be protected against external corrosion by a protective sheathing or wrapping or other means that will withstand any reaction from lime and acid of concrete, cinder or other corrosive material. Sheathing or

wrapping shall allow for expansion and contraction of piping to prevent any rubbing action. Minimum wall thickness of material is to be 0.025 inch (0.635 mm).

B. Sleeves. The following applies to sleeves.

1. Annular spaces between sleeves and pipes shall be filled or tightly caulked as approved by the plumbing official.

2. Annular spaces between sleeves and pipes in fire rated assemblies shall be filled or tightly caulked in accordance with the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session.

C. Pipes through Footings or Foundation Walls. A soil pipe, waste pipe, or building drain that passes under a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve of Schedule 40 pipe shall be built into the masonry wall. Such sleeve shall be two pipe sizes greater than the pipe passing through or as may be approved in writing by the plumbing official.

D. Minimum Depth of Water Piping Outside of Building. Water piping outside the building line shall be installed not less than 12 inches (305 mm) deep.

E. Trench Location. Trenching installed parallel to footings shall not extend below the 45° (0.785 rad) bearing plane of the footing or wall unless approved by the plumbing official.

F. Waterproofing of Openings. Joints at the roof, around vent pipes, shall be made watertight by the use of lead, copper, galvanized steel, aluminum, plastic or other approved flashings or flashing material. Exterior wall openings shall be made watertight.

G. Pipes in Wood Construction. Where cutting, notching, or boring occurs within 1 1/2 inches (38 mm) of the face of wooden joists, rafters, or studs, a protective steel plate 1/16-inch (1.59 mm) thick shall be used to protect the piping. The steel plate shall be the full width of the member and shall extend at least 2 inches (51 mm) on each side of the cut, bore, or notch.

1. Exception. A protective plate is not required for cast iron, galvanized or black steel, and Grade<sub>(Q)</sub> H stainless steel pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2810 (November 2012).

### §307. Trenching, Excavation, and Backfill

A. Support of Piping. Buried piping shall be supported throughout its entire length.

B. Open Trenches. All excavations required to be made for the installation of a building drainage system, or any part thereof within the walls of a building, shall be open trench work and shall be kept open until the piping has been inspected, tested and accepted.

C. Mechanical Excavation. Trenches shall be properly graded and tamped to support the load of the pipe installation.

D. Backfilling. Adequate precaution shall be taken to insure proper compactness of backfill around piping without damage to such piping. See §705.H of this code.

E. Tunneling. Where necessary, pipe may be installed by tunneling, jacking or a combination of both. In such cases, special care shall be exercised to protect the pipe from damage either during installation or from subsequent uneven

loading. Where earth tunnels are used, adequate supporting structures shall be provided to prevent future settling or caving. Pipe may be installed in larger conduit which has been jacked through unexcavated portions of the trench.

F. Single Trench Prohibited. Water service pipes or any underground water pipes shall not be run or laid in the same trench as the building sewer or drainage piping, except as provided for in Chapters 6 and 7 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2811 (November 2012).

### §309. Structural Safety

A. General. In the process of installing or repairing any part of a plumbing and drainage installation, the finished floors, walls, ceilings, tile work or any other part of the building or premises which must be changed or replaced shall be left in a safe structural condition in accordance with the requirements of the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session.

B. Cutting, Notching and Boring. The following applies to cutting, notching and boring.

1. Notches on the ends of joists shall not exceed one-fourth the depth. Holes bored for pipes or cable shall not be within 2 inches (51 mm) of the top or bottom of the joist, and the diameter of any such hole shall not exceed one-third of the depth of the joist. Notches for pipes in the top or bottom of joists shall not exceed one-sixth of the depth and shall not be located in the middle one-third of the span.

2. In exterior walls and bearing partitions, any wood stud may be cut or notched to a depth not exceeding 25 percent of its width. Cutting or notching of studs to a depth not greater than 40 percent of the width of the stud is permitted in nonbearing partitions supporting no loads other than the weight of the partition.

3. A hole not greater in diameter than 40 percent of the stud width may be bored in any wood stud. Bored holes not greater than 60 percent of the width of the stud are permitted in nonbearing partitions or in any wall where each bored stud is doubled provided not more than two such successive double studs are so bored.

4. In no case shall the edge of the bored hole be nearer than 5/8-inch (15.9 mm) to the edge of the stud. Bored holes shall not be located at the same section of stud as a cut or notch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2811 (November 2012).

### §311. Fittings

A. Change in Direction. The following applies to the use of fittings in changes of direction of drainage piping.

1. Changes in direction in drainage piping shall be made by the appropriate use of 45° (0.785 rad) wyes, long-or-short-sweep quarter bends, one-sixth, one-eighth, or one-sixteenth bends, or by a combination of these or equivalent fittings. Single and double sanitary tees and quarter bends may be used in drainage lines only where the direction of flow is from the horizontal to the vertical. A sanitary tee shall not be used on a horizontal drainage line as a takeoff fitting for a vent.

2. Changes in direction in Schedule 40 DWV-PVC and ABS drainage piping shall be made by the appropriate use of 45° (0.785 rad) wyes, quarter bends or long sweep quarter bends, one-sixth, one-eighth, or one-sixteenth bends, or by a combination of these or equivalent fittings. Single and double sanitary tees and quarter bends may be used in drainage lines only where the direction of flow is from the horizontal to the vertical. A sanitary tee shall not be used on a horizontal drainage line as a takeoff fitting for a vent.

B. Short Sweeps. Short sweeps not less than 3-inch diameter may be used in soil and waste lines where the change in direction of flow is from the horizontal to the vertical and may be used for making necessary offsets between the ceiling and the next floor above.

C. Prohibited Fittings. A straight tee branch shall not be used as a drainage fitting. A saddle type fitting or running threads shall not be used in the drainage or vent system. Drainage or vent piping shall not be drilled or tapped unless approved by the plumbing official. A fitting having a hub in the direction opposite to flow shall not be used in the drainage system, unless the pipe is cut by either a saw or snap cutter, which will assure clean, smooth cuts of the pipe. Double sanitary tee pattern fittings shall not receive the discharge of fixtures or appliances with pumping action discharge.

D. Heel or Side Inlet Bend Prohibited. Heel or side inlet quarter bend fittings shall not be used in the drainage or vent system.

F. Obstruction to Flow. A fitting or connection which offers abnormal obstruction to flow shall not be permitted. See §715 of this code.

G. Increases and Reducers. Where different sizes of pipes or pipes and fittings are to be connected, the proper size increases or reducers or reducing fittings shall be used between the two sizes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2811 (November 2012).

### §313. Types of Joints

A. Tightness. Joints and connections in the plumbing system shall be gastight and watertight for the pressure required by test, with the exceptions of those portions of perforated or open-joint piping which are installed for the purpose of collecting and conveying ground or seepage water to the underground storm drains.

B. Threaded Joints. Threaded joints shall conform to ASME B 1.20.1. All burrs shall be removed, pipe ends shall be reamed or filed out to size of bore, and all chips shall be removed. Pipe-joint cement and sealing compound shall be used only on male threads and be insoluble and nontoxic. All pipe-joint sealants for use on potable water piping shall be listed and labeled by an approved testing laboratory.

C. Wiped Joints. Joints in lead pipe or fittings, or between lead pipe or fittings and brass or copper pipe, ferrules, solder nipples, or traps, shall be full-wiped joints. Wiped joints shall have an exposed surface on each side of a joint not less than 3/4-inch (19.1 mm) and at least as thick as the material being jointed. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at wall or floor. Joints between lead pipe

and cast iron or steel shall be formed by means of a caulking ferrule, soldering nipple, or bushing.

D. Flexible Couplings. Flexible couplings may be used to join plain ends of similar or dissimilar pipes and the flexible coupling shall consist of an approved gasket that is attached to the pipe with special adjustable stainless steel clamps and bolts (see §711.D of this code). The flexible couplings and the approved gasket shall be oil resistant.

E. Precast Joints. Precast collars shall be formed on the spigot and in the bell of the pipe in advance of use. Materials shall be resistant to acids, alkalis and oils, and precast joints shall conform to the requirements of ASTM C 425, and upon installation shall be tested as provided in this code.

F. Cement Mortar Joints and Connections. The following applies to cement mortar joints and connections.

1. Except for repairs and connections to existing lines constructed with such joints, cement mortar joints are prohibited.

2. Where permitted, cement mortar joints shall be made in the following manner: A layer of jute or hemp shall be inserted into the base of the annular joint space and packed tightly to prevent mortar from entering the interior of the pipe or fitting. Not more than 25 percent of the annular space shall be used for jute or hemp. The remaining space shall be filled in one continuous operation with a thoroughly mixed mortar composed of one part cement and two parts sand, with only sufficient water to make the mixture workable by hand. Additional mortar of the same composition shall then be applied to form a one to one slope with the barrel of the pipe. The bell or hub of the pipe shall be swabbed to remove any mortar or other material which may have found its way into such pipe.

G. Burned Lead Joints. Burned (welded) lead joints shall be lapped and the lead shall be fused together to form a uniform weld at least as thick as the lead being jointed.

H. Joints for Plastic Pipe and Fittings. The following applies to joints for plastic pipe and fittings.

1. ABS and PVC pipe and fittings shall be solvent cemented using the proper cement recommended for the particular materials. All pipe cuts shall be square and both pipe and fittings shall be cleaned of all soil, dirt, oil and grease before applying primer or cement. Solvent joints made for pressure applications shall use primers and cements that are in compliance with the applicable ASTM standards. All solvent joints shall be made in accordance with the applicable ASTM standards and shall be allowed to dry before testing. Should any leak occur on water test, the defective joint shall be replaced. All solvent cements and primers shall comply with requirements of the NSF 14 and shall be labeled to identify the laboratory certifying compliance for the particular cement and primer being used.

2. Plastic pipe and fittings for sewer and water pressure lines may also be joined by use of elastomeric joints when the respective standards for the materials so specify. Joints shall conform to the standards listed in either Table 603 or Table 703 of this code, as applicable, for elastomeric joints.

I. Grooved or Plain End Mechanical Couplings and Fittings. Grooved or plain end mechanical couplings and fittings may be used. Pipe is to be prepared in accordance with manufacturer's specifications.

J. Water Supply and Distribution Systems. Additional provisions for water supply and distribution systems are located in §§619 and 621 of this code.

K. Sanitary Drainage Systems. Additional provisions for sanitary drainage systems are located in 709.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2812 (November 2012).

### §315. Use of Joints

A. Threaded Pipe to Cast Iron. Joints between steel, brass, or copper pipe, and cast iron pipe shall be either caulked or threaded, formed as provided in §§313.B and 709.B of this code, or shall be formed with approved adapter fittings.

B. Lead to Cast Iron or Steel. Joints between lead and cast iron or steel pipe shall be formed by means of wiped joints and a caulking ferrule, soldering nipple, or bushing as provided in §313.C of this code.

C. Connection of Dissimilar Metals. There shall be no commingling of materials except through the use of proper dielectric fittings that make different kinds of metal pipe compatible.

D. Welding or Brazing. Brazing or welding shall be performed in accordance with requirements of recognized published standards of practice and by licensed or otherwise qualified mechanics. All brazing on medical gas systems shall be performed by certified installers meeting the requirements of ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications, or AWS B 2.2/B 2.2M, Brazing Procedure and Performance Qualification, as referenced in Chapter 14 of this code.

E. Slip Joints. In drainage piping, slip joints may be used on both sides of the trap and in the trap seal. Slip joints in water piping may be used on the exposed fixture supply only.

F. Expansion Joints. Expansion joints must be accessible and may be used where necessary to provide for expansion and contraction of the pipes.

G. Mechanically Formed Tee Connections. The following applies to mechanically formed tee connections.

1. Mechanically extracted collars shall be formed in a continuous operation consisting of drilling a pilot hole and drawing out the tube surface to form a collar having a height not less than three times the thickness of the tube wall.

2. The branch shall be notched to conform to the inner curve of the run tube and dimpled to insure that penetration of the branch tube into the collar is of sufficient depth for brazing and that the branch tube does not obstruct the flow in the main line tube.

3. All joints shall be brazed in accordance with 621.D. Soft soldered joints shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2813 (November 2012).

### §317. Anchors, Hangers and Supports

A. General. The following apply to anchors, hangers and supports.

1. Strains and Stresses. Piping in a plumbing system shall be installed without undue strains or stresses and

provision shall be made for expansion, contraction, and structural settlement.

2. Material. Anchors, hangers, and supports for pipe shall be of sufficient strength to maintain their proportionate share of the pipe alignment and to prevent sagging. Anchors, hangers or supports shall be of a material which is compatible with the pipe and will not promote galvanic action. Anchors, hangers or supports installed below grade<sup>(g)</sup> which may come into contact with the soil shall be of a material which is compatible with the type of soil to which it is exposed to prevent the weakening of the device over time due to corrosion, etc.

3. Attachment. Anchors, hangers and supports shall be securely attached to the building construction.

B. Vertical Piping. The following applies to the support of pipes installed vertically.

1. Attachment. Vertical piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe and contents.

2. Cast Iron Soil Pipe. Cast iron soil pipe shall be supported at the base and at each story level at intervals not exceeding 15 ft (4572 mm).

3. Threaded Pipe. Threaded pipe shall be supported at the base and at not less than every other story at intervals not exceeding 30 ft (9144 mm).

4. Copper Tube. Copper tube shall be supported at each story for piping 1 1/2 inches and over and at not more than 4 ft (1219 mm) intervals for piping 1 1/4 inches and smaller.

5. Lead Pipe. Lead pipe shall be supported at intervals not exceeding 4 ft (1219 mm).

6. Plastic Pipe. Plastic piping shall be supported at each story for piping 2 inches or over and not more than 4 foot (1219 mm) intervals for piping 1 1/2 inches or under.

7. Borosilicate Glass Pipe. Borosilicate glass pipe shall be supported at every floor for 3-inch, 4-inch and 6-inch diameter vertical runs and at every other floor for sizes 2 inches and smaller. Padded riser clamps with 1/4-inch (6.35 mm) thick elastomeric padding shall be used, restricting sideward as well as downward movement.

C. Horizontal Piping. The following applies to the support of pipes installed horizontally.

1. Supports. Horizontal piping shall be supported at sufficiently close intervals to keep it in alignment and prevent sagging.

2. Cast Iron Soil Pipe. Cast iron soil pipe shall be supported at not more than 5 ft (1524 mm) intervals on 5 ft (1524 mm) lengths and 10 ft (3048 mm) intervals on 10 ft (3048 mm) lengths. Hangers shall be located as near hubs as possible.

3. Threaded Pipe. Threaded pipe shall be supported at approximate 12 ft (3658 mm) intervals.

4. Copper Tubing. Copper tube shall be supported at approximate 8 ft (2439 mm) intervals for tubing 1-inch and smaller and 10 ft (3048 mm) intervals for tubing 1 1/4 inches and larger.

5. Lead Pipe. Lead pipe shall be supported by strips or otherwise for its entire length.

6. Plastic Pipe. Plastic piping shall be supported at not more than 4 ft (1219 mm) intervals.

7. Borosilicate Glass Pipe. Borosilicate glass pipe shall be supported in horizontal runs every 8 to 10 ft (2438



to 3048 mm), never closer unless there are more than two joints in the 8 to 10 ft (2438 to 3048 mm) section. Padded hangers shall be used, of either the clevis or trapeze type.

D. Repair or Replacement. Piping in concrete or masonry walls or footings shall be placed or installed in chases or recesses which will permit access to the piping for repairs or replacement.

E. Base of Stacks. The following applies to the support and off-loading of the base of soil, waste and vent stacks.

1. Supports. The base of all soil, waste and vent stacks shall be supported to the satisfaction of the plumbing official.

2. Piping Material. Other piping material shall be so anchored as to take the load off the stack at the base.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2813 (November 2012).

### §319. Tests

A. Required Tests. The permit holder shall make the applicable tests prescribed in §§319.B thru 319.E of this Part to assure compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the plumbing official when the plumbing work is ready for tests. The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the permit holder and he is responsible for assuring that the work will withstand the test pressure prescribed in the following tests. All the piping of the plumbing system shall be tested with either water or air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The plumbing official may require the removal of any cleanouts to ascertain if the pressure has reached all parts of the system.

B. Drainage and Vent Tests. The following applies to the testing of drainage and vent systems.

1. A water test shall be applied to the drainage system and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than 10 ft head of water [29.9 kilopascal (kPa)]. In testing successive sections at least the upper 10 ft (3048 mm) of the next preceding section shall be tested, so that no joint or pipe in the building (except the uppermost 10 ft (3048 mm) of the system) shall have been submitted to a test of less than a 10 ft head of water (29.9 kPa). The water shall be kept in the system, or in the portion under test, for at least 15 minutes before inspection starts; the system shall then be tight at all points.

2. An air test shall be made by attaching an air compressor or testing apparatus to any suitable opening and, after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gage pressure of 5 psi (34.5 kPa) or sufficient to balance a column of mercury 10 inches in height (33.8 kPa). This pressure shall be held without introduction of additional air for a period of at least 15 minutes.

a. Exception. Cast iron soil pipe joined with compression gaskets or mechanical couplings shall be tested with 6 psi (41.4 kPa) of air and allowed a 1 psi (6.9 kPa) reduction in pressure or a 2-inch (50.8 mm) drop in the column of mercury in a 15 minute period.

3. The final test of the completed drainage and vent system shall be visual and in sufficient detail to assure that the provisions of this code have been complied with, provided, however, that, for cause, it may be necessary to subject the plumbing to either a smoke or peppermint test. Where the smoke test is preferred, it shall be made by filling all traps with water and then introducing into the entire system a pungent, thick smoke produced by one or more smoke machines. When the smoke appears at stack openings on the roof, they shall be closed and a pressure equivalent to a 1-inch water column [248.8 Pascal (Pa)] shall be maintained for 15 minutes before inspection starts. Where the peppermint test is preferred, 2 oz (59 mL) of oil of peppermint shall be introduced for each stack.

C. Test of Water Distribution System. Upon the rough-in completion of a section of or the entire water distribution system [e.g., before closing the wall in and, for example, after capping and crimping a copper piping system, after plugging and sealing approved plastic piping such as CPVC, PEX, etc.], it shall be tested and proved tight under a water pressure not less than 200 psi (1379 kPa) for at least 15 minutes. The water used for tests shall be obtained from a potable source of supply.

D. Test of Building Sewer. The following applies to the testing of the building sewer.

1. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the sewerage system, filling the building sewer with water, testing with not less than a 10 ft (3048 mm) head of water and maintaining such pressure until backfill is completed.

2. Forced sewer tests shall consist of plugging the end of the building sewer at the point of connection with the sewerage system and applying a pressure of 5 psi (34.5 kPa) greater than the pump rating, and maintaining such pressure until backfill is completed.

E. Test of Interior Leaders or Downspouts. Leaders or downspouts and branches within a building shall be tested by water or air in accordance with §319.B.1 or §319.B.2 of this code.

F. Backflow Prevention Devices. Backflow prevention devices shall be tested in accordance with ASSE Series 5000, USC's FCCC & HR's "*Manual of Cross-Connection Control*", or UFL's TREEO's "*Backflow Prevention - Theory and Practice*".

1. The test gauge used in testing backflow prevention devices shall be calibrated at a frequency of at least every 12 months by a factory authorized laboratory to an accuracy of  $\pm 0.2$  pounds per square inch differential (psid) (1.378 kPa) for increasing and decreasing pressure differential pressure readings over the scale of 1.0 psid to 15 psid (6.9 kPa to 103.4 kPa). The gauge shall be tested for accuracy in the vertical position with water and at different inlet pressures.

a. The reference source(s) used to verify accuracy shall have a maximum permissible error of  $\pm 0.05$  psig (0.344 kPa). Such reference source(s) shall have their calibration traceable to the National Institute of Standards and Technology (NIST).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2814 (November 2012).

### **§321. Additional General Provisions**

A. Additional general provisions are contained in:

1. LAC 51:XIV.Chapter 13, Medical Facilities Plumbing Systems;

2. LAC 51:XIV.Chapter 15, Travel Trailers and Travel Trailer Parks; and,

3. LAC 51:XIV.Chapter 17, Mobile/Manufactured Homes and Mobile/Manufactured Home Parks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2815 (November 2012).

## **Chapter 4. Plumbing Fixtures**

### **§401. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, installation, and quality of plumbing fixtures.

B. Prohibited Fixtures. Pan, valve, plunger, offset, washout, latrine, frostproof and other water closets having an invisible seal or an unventilated space or having walls which are not thoroughly washed at each discharge, and floor type trough urinals shall be prohibited. Any water closet which might permit siphonage of the contents of the bowl back into the tank shall be prohibited (for example, low down tank type water closets, etc.).

C. Concealed Slip-Joint Connections. Fixtures having concealed slip-joint connections shall be provided with an access panel or utility space so arranged as to make the slip connections accessible for inspection and repair.

D. Limited Access to Waste and Overflow Fittings. When access to waste and overflow fittings cannot be provided as required for slip-joints in §401.C of this code above or when bathtubs are set head-to-head, joints complying with §621.B of this code may be used. In such limited access cases, waste and overflow shall be of the straight- through type with overflow connecting to the tee branch which will allow the fixture, drain, and trap to be cleaned without disturbing concealed joints. Connections shall be inspected prior to concealment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2815.

### **§403. Installation**

A. Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning. Where practical, all pipes from fixtures shall be run to the nearest wall.

B. Joints. Where a fixture comes in contact with a wall or floor, the joint shall be watertight.

C. Wall-Hung Bowls. Wall-hung water closet bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.

D. Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls. No water closet or bidet shall be set closer than 15 inches (381 mm) from its center to any side wall or partition nor closer than 30 inches (762 mm) center-to-center with adjacent fixtures. No urinal

shall be set closer than 12 inches (305 mm) from its center to any side wall or partition nor closer than 24 inches (610 mm) center-to-center with adjacent urinal fixtures (see §713 of this code). There shall be a minimum of 21 inches (533mm) of clearance provided between the front of the water closet, lavatory or bidet to any wall, fixture or door.

E. Sanitation. All public toilet room floor surfaces shall be of non-absorbent, impervious material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2815.

### **§405. Location of Fixtures**

A. Ventilation and Lighting. The following applies to the ventilation and lighting requirements where plumbing fixtures are installed.

1. Means of Ventilation. Every restroom, bathroom or water closet combination shall be provided with ventilation by one or more operable windows opening to the outside of the building, by mechanical exhaust or by other means approved by the administrative authority.

a. Window Opening. When an operable window opening to the outside of the building is used for ventilation, an insect mesh screen shall be installed on such opening.

b. Mechanical Exhaust. Public restrooms, bathrooms or water closet combinations shall be provided with ventilation by mechanical exhaust. When separate facilities for employees or staff of food service establishments, markets and retail food stores are provided, such facilities shall also be provided with ventilation by mechanical exhaust.

i. All restrooms, bathrooms and water closet combinations which are ventilated by mechanical exhaust shall have fixed openings from adjacent room or corridors or from other approved sources, large enough to provide a sufficient inflow of air to make exhaust ventilation effective.

ii. Ventilation ducts from restrooms, bathrooms and water closet combinations shall be exhausted to the outside air or be connected into an independent system that exhausts to the outside air.

2. Combustion Chambers. The combustion chambers of all heaters, heating systems and other fired equipment shall be vented to the atmosphere. Other parts of the heating, cooling and ventilating system shall be so designed, built and maintained as to ensure that the pressure in the space from which combustion air is drawn does not become negative with respect to the atmosphere.

3. Illumination Level. Artificial lighting shall be installed in every restroom, bathroom or water closet combination sufficient to provide an illumination level of at least 10 foot-candles, measured 3 feet off of the floor.

4. Enclosures. Where a water closet is completely enclosed in a room or by walls, such enclosure shall be separately ventilated and lighted.

B. Improper Location. Piping, fixtures or equipment shall not be located in such a manner as to interfere with the normal operation of windows, doors or other exit openings. Toilet rooms for public use shall not open directly into a room for the preparation of food for service to the public.

C. Toilet Facilities for Construction Workers. Toilet facilities, of the type and in the quantity approved by the administrative authority or, in lieu thereof, in accord with the Minimum Requirements for Sanitation in Places of

Employment (ANSI Z 4.1), shall be provided and maintained in a sanitary condition for the use of workmen during construction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2815 (November 2012).

**§407. Materials and Performance Standards**

A. Plumbing fixtures shall be constructed from approved materials, have smooth impervious surfaces, be free from defects and concealed fouling surfaces. Except as permitted elsewhere in this code, plumbing fixtures and appurtenances shall conform to the standards listed in the following Table (LAC 51:XIV:Table 407).

Table 407 General Fixtures and Accessories	
Materials	Standards
Fixture Fittings	ASME A112.18.1, CSA B125.1
Fixture Fittings, Backflow Protection Devices and Systems	ASME A112.18.3
Fixture Waste Fittings	ASME A112.18.2, CSA B125.2
Flexible Water Connectors (prohibited for use in instances when the supply temperature will exceed 150°F)	ASME A112.18.6, CSA B125.6
Fixtures, Enameled Cast Iron and Steel Plumbing	ASME A112.19.1, CSA B45.2
Fixtures, Non-Vitreous Ceramic (Fireclay)	ASME A112.19.9M
Fixtures, Ceramic Plumbing	ASME A112.19.2, CSA B45.1
Fixtures, Hydraulic Performance for Water Closets and Urinals	ASME A112.19.6
Fixtures, Stainless Steel Plumbing	ASME A112.19.3, CSA B45.4
Fixtures, Porcelain Enameled Formed Steel Plumbing	ASME A112.19.4M
Fixtures, Plumbing (for) Land Use, including Fixtures for Medical and Dental Facilities	FS WW-P-541 E/GEN(1)
Lead, Caulking	FS QQ-L-156
Macerating Toilet Systems	ASME A 112.3.4
Plastic Bathtub and Shower Units	ANSI Z124.1.2
Plastic Lavatories	ANSI Z124.3
Plastic Sinks	IAPMO Z124.6
Plastic Water Closet Bowls and Tanks	ANSI Z124.4
Trim for Water Closet Bowls, Tanks and Urinals	ASME A112.19.5
Vitreous China Nonwater Urinals	ASME A112.19.19
Water Hammer Arresters	ASSE 1010

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2816 (November 2012).

**§409. Water Conservation**

A. Plumbing fixtures and plumbing fixture fittings shall conform to the following requirements.

1. New or replacement water closets, urinals, sink faucets, lavatories or shower heads shall not be installed with a flow rate or flush volume in excess of the maximum specified in Table 409 of this code below, when tested in accordance with the provisions of the applicable ASME Standard listed in Table 407 of this code.

Table 409 Maximum Allowable Water Usage For Plumbing Fixtures <sup>1</sup>	
Fixture	Max Usage
Lavatory, private	2.2 gpm at 60 psi
Lavatory, public (metering)	0.26 gallons per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi
Shower Head/ Handheld Shower	2.5 gpm at 60 psi
Sink Faucet	2.2 gpm at 60 psi
Urinals	1.0 gal/flushing cycle
Water Closet	1.6 gal/flushing cycle

NOTES:

1. Maximum allowable water usage for plumbing fixtures and fixture fittings not listed in this table should conform to the applicable ANSI or ASME standard listed in Table 407 of this code. Blowout fixtures, vegetable sprayers, clinical sinks, service sinks, hose bibbs and emergency showers sinks shall be exempted from these limitations.

2. Nonwater Urinals. Nonwater urinals shall be listed and comply with the applicable standard(s) referenced in Table 407. Nonwater urinals shall have a barrier liquid sealant to maintain a trap seal. Nonwater urinals shall permit the uninhibited flow of waste through the urinal to the sanitary drainage system. Nonwater urinals shall be cleaned and maintained in accordance with the manufacturer's instructions after installation. Where nonwater urinals are installed they shall have a water distribution line roughed-in above each urinal location to allow for the installation of approved water-use type urinals in the event of a retrofit.

3. Self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls. Self-closing metering faucets used on lavatories or other hand-washing fixtures shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Self-closing faucets which are designed to close immediately upon the release of the handle are prohibited for use on lavatories or other type of hand-washing fixtures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2816 (November 2012).

**§411. Minimum Plumbing Fixtures**

A. General. The following general requirements are to be used when applying Table 411 of this Part.

1. Restroom Plumbing Fixtures. Notwithstanding the provisions of LAC 51:1.123.A.2, in new construction, substantial renovation or building additions and in changes of occupancy classification or real property ownership, at least the minimum type(s) of rest room plumbing fixtures provided for in this Section shall be installed, and the minimum number of each type of restroom plumbing fixture shall be in accordance with Table 411 of this Part. The term "substantial renovation" as used in this Paragraph includes, but is not limited to, a renovation/operational change which would trigger the need, pursuant to the requirements of Table 411 of this Part, for additional restroom plumbing fixtures to

be installed, even if the occupancy classification itself may not have changed.

a. Exception

i. When only a real property ownership change occurs, restroom plumbing fixture upgrades to meet the minimum plumbing fixture requirements contained in this Section and Table 411 of this Part are not to be blindly enforced if the state health officer/Office of Public Health has assurances that the prior or existing business held a food permit (e.g., grocery store, restaurant, etc.) under LAC 51:XXIII and the prospective new business owner agrees, in writing to the state health officer/Office of Public Health, to operate the business in exactly the same manner as the prior or existing business owner (e.g., parents sell a business to their children who will operate the business in exactly the same manner) and there have been no documented complaints, within the past 5 years, about:

(a). a lack of toilet room fixtures;

(b). urination in non-restroom fixtures or floor areas within the building; or,

(c). urination on the outside of the building or the premises or adjoining lots or areas, etc.

ii. This exception to the normal enforcement procedures (i.e., §411.A.1 of this code) shall not be applicable when a serious health threat to the public exists.

2. Non-Restroom Plumbing Fixtures. Where the construction of buildings and facilities was approved by the state health officer pursuant to Sanitary Code (LAC 51) requirements then in effect, upgrading of such buildings and facilities to comply with the non-restroom plumbing fixture requirements of Table 411 of this Part shall not be required except where:

a. substantial renovation or building additions are undertaken, or

b. where the occupant or real property ownership thereof or the occupancy classification located therein changes subsequent to the effective date hereof, or

c. where a serious health threat to the public health exists, unless otherwise specifically provided hereinafter.

3. The term "substantial renovation" as used in §411.A.2 of this code includes, but is not limited to, a renovation/operational change which would trigger the need, pursuant to the requirements of Table 411 of this Part, for additional non-restroom plumbing fixtures to be installed, even if the occupant or the occupancy classification itself may not have changed.

4. Except as may be otherwise specifically noted within Table 411 of this Part, the number of occupants of a building shall be determined by the square feet (sq ft) of usable floor space. In determining the usable floor space, the square foot area of permanent structural building components, food service establishment kitchens, toilet rooms, corridors, stairways, vertical shafts and equipment rooms, when necessary for the operation of building utilities only, may be deducted from the total aggregate floor area. The occupant content and the number of required facilities for occupancies other than listed in Table 411 of this Part shall be determined by the plumbing official. Plumbing facilities in the occupancies or tenancies of similar use may be determined by the plumbing official from Table 411 of this Part.

5. In commercial buildings of multiple tenants, common toilet facilities (separate for males and females) for each floor are acceptable in lieu of separate facilities required by this Section only when the applicable building occupant content has common access from within the building. Central facilities shall be installed such that the path of travel to such facilities shall not exceed a distance of 500 feet. The maximum travel distance to the central toilet facilities shall be measured from the main entrance of any store or tenant space. When tenancies, rental units, etc., are to be provided with separate facilities of a partial nature, such facilities are not deductible from the total common facilities required. Tenancies, rental units or other usable areas within a building when separated from the required toilet facilities by walls or partitions without common access openings (i.e., openings through interior walls or partitions that allow access to the toilet facilities) shall be considered independently from the remainder of the building and shall be provided with separate facilities in accordance with this Chapter regardless of the type of occupancy.

6. In self-storage (mini-warehouse) complexes, facilities shall not be required in each building, but shall be located at the office or entrance and such that the plumbing official determines the intent of the code is satisfied (see Paragraphs 7 and 8 in §411.A of this code below).

7. In applying the schedule of facilities recorded in Table 411 of this Part, consideration must be given to the accessibility of the fixtures. Conformity purely on a numerical basis may not result in an installation suitable to the need of the individual establishment. For example, multi-storied buildings shall be provided with toilet facilities on each floor based upon the population of the floor. If building is a multi-purpose facility (i.e., a retail fuel station and a retail store, or a retail fuel station and a retail store and a restaurant, or a retail store and retail fuel station, etc.), the occupancy which requires the largest number of fixtures shall apply.

8. Every building and each subdivision thereof intended for public use shall be provided with facilities in accordance with this Chapter. Required facilities shall be directly accessible to the public through direct openings or corridors from the area or areas they are intended to serve. Access to the required toilet facilities for customers shall not pass through areas designated as for employee use only such as kitchens, food preparation areas, storage rooms, closets or similar spaces. Toilet facilities accessible only to private offices shall not be counted to determine compliance with this Chapter. Required facilities shall be free and designated by legible signs for each sex. Pay facilities maybe installed when in excess of the required minimum facilities.

9. The toilet room entry door shall not be lockable by a user of the facilities when such room contains multiple water closets (or water closet and urinal fixtures) and the fixtures provided therein are required to meet the minimum number of plumbing fixtures required in accordance with Table 411 of this Part.

10. The "Persons (total)" column included in the following Table 411 below is based upon a 50 percent male to 50 percent female ratio.

**Table 411**  
**Minimum Plumbing Fixtures**

[The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof, i.e., if the calculation yields any fraction (no matter how small), the next whole number greater than the fractional number is the minimum fixture requirement]

Building or Occupancy <sup>1</sup>	Occupant Content <sup>1</sup>	Water Closets (Urinals can be substituted for up to half of the required water closets)			Lavatories <sup>2</sup>	Bathtubs, Showers and Miscellaneous fixtures		
Dwelling or Apt. House	Not Applicable	1 for each dwelling or dwelling unit			1 for each dwelling or dwelling unit	Washing machine connection per unit <sup>3</sup> . Bathtub or shower – one per dwelling or dwelling unit. Kitchen sink – one per dwelling or dwelling unit		
Schools: Licensed Pre-School, Day Care or Nursery <sup>20</sup>	Maximum Daily Attendance	Children (total)	Fixtures		To be provided in the same proportions as the number of water closets required	Kitchen: Children (total) 7-15: 3 compartment sink (or approved domestic or commercial dishwashing machine and a 2 compartment sink) <sup>12</sup> 16 – up: 3 compartment sink (dishwashing machine, if provided, must be a commercial type) <sup>12</sup> One laundry tray, service sink, or curbed cleaning facility with floor drain on premises for cleaning of mops/mop water disposal. Caring for Infants: One extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicate solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas.		
		Age 0 – 4 years			Kitchen: 1 in each food preparation and utensil washing area located to permit convenient use by all food and utensil handlers. Caring for Infants: 1 in or adjacent to each diaper changing area but never to be located in a food preparation/storage or utensil washing area.			
		1-20		1				
		21-40		2				
		41-80		3				
		For each additional 40 children over 80, add		1				
		Age 5 years and above	Male	Female				
		1-40	1	1				
		41-80	1	2				
		81-120	2	3				
		121-160	2	4				
		For each additional 40 females over 160, add		1				
		For each additional 80 males over 160, add		1				
Schools: Elementary & Secondary	Maximum Daily Attendance	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain for each 3 classrooms, but not less than one each floor
		1-50	2	2	1-120	1	1	
		51-100	3	3	121-240	2	2	
		101-150	4	4	For each additional 120 persons over 240, add	1	1	
		151-200	5	5				
		For each additional 50 persons over 200, add	1	1				
Office <sup>4</sup> and Public Buildings	100 sq ft per person	Persons (total)	Male	Female	Persons (total)	Male	Female	Drinking Fountains Fixtures
		1-15	1	1	1-15	1	1	1-100 1
		16-35	1	2	16-35	1	2	101-250 2
		36-55	2	2	36-60	2	2	251-500 3
		56-100	2	3	61-125	2	3	No less than one fixture each floor subject to access.
		101-150	3	4	For each additional 120 persons over 125, add	1	1.5	
		For each additional 100 persons over 150, add	1	1.5				

**Table 411  
Minimum Plumbing Fixtures**

[The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof, i.e., if the calculation yields any fraction (no matter how small), the next whole number greater than the fractional number is the minimum fixture requirement]

Building or Occupancy <sup>1</sup>	Occupant Content <sup>1</sup>	Water Closets (Urinals can be substituted for up to half of the required water closets)			Lavatories <sup>2</sup>			Bathtubs, Showers and Miscellaneous fixtures	
		Persons (total)	Male	Female	Persons (total)	Male	Female	Persons	Fixtures
Common toilet facilities for areas of commercial buildings of multiple tenants <sup>5,6,19</sup>  (Not applicable to do-it-yourself laundries, beauty shops and similar occupancies where persons must remain to receive personal services)	Use the sq ft per person ratio applicable to the single type occupancy(s) occupying the greatest aggregate floor area separately each floor area of a divided floor)	Persons (total)			Persons (total)			Drinking Fountains	
		1-50	2	2	1-15	1	1	1-100	1
		51-100	3	3	16-35	1	2	101-250	2
		101-150	4	4	36-60	2	2	251-500	3
		For each additional 100 persons over 150, add	1	1.5	61-125 For each additional 120 persons over 125, add	2	3	501-1000	4
						1	1.5		Not less than one fixture each floor subject to access.
Retail Stores <sup>4,14,16</sup>	200 sq ft per person	Persons (total)			Persons (total)			Drinking Fountains	
		1-35	1	1	1-35	1	1	1-100	1
		36-55	1	2	36-55	1	2	101-250	2
		56-80	2	3	56-80	2	3	251-500	3
		81-100	2	4	81-100	2	4	501-1000	4
		101-150	2	5	101-150	2	5		
		For each additional 200 persons over 150, add	1	1.75	For each additional 120 persons over 150, add	1	1.75		Not less than one fixture each floor subject to access.
			Retail Food Markets that also processes or packages meat or other food items: 1 lavatory in each food processing, packaging, and utensil washing area located to permit convenient use by all food and utensil handlers.				All Retail Food Markets: One laundry tray, service sink, or curbed cleaning facility with floor drain on premises for cleaning of mops/mop water disposal.  Retail Food Markets that also processes or packages meat or other food items: 3 compartment sink <sup>12</sup>		
Restaurants/Food Service Establishments <sup>4,11,16</sup>  (If alcoholic beverages are to be served, facilities shall be as required for clubs or lounges-See LAC 51:XXIII.3119.B. 2 for further details)	30 sq ft per person	Persons (total)			Persons (total)			Drinking Fountains <sup>17</sup>	
		1-50	1	1	1-150	1	1	1-100	1
		51-100	2	2	151-200	2	2	101-250	2
		101-200	3	3	201-400	3	3	251-500	3
		201-300	4	4	For each additional 200 persons over 400, add	1	1		
		1	2	Kitchen: 1 lavatory in each food preparation and utensil washing area located to permit convenient use by all food and utensil handlers.			Kitchen: 3 compartment sink (dishwashing machine, if provided, must be a commercial type) <sup>12</sup> Other Fixtures: One laundry tray, service sink, or curbed cleaning facility with floor drain on premises for cleaning of mops/mop water disposal.		
Clubs, Lounges, and Restaurants/ Food Service Establishments with Club, or Lounge <sup>11,16</sup>	30 sq ft per person	Persons (total)			Persons (total)			Drinking Fountains <sup>17</sup>	
		1-25	1	1	1-150	1	1	1-100	1
		26-50	2	2	151-200	2	2	101-250	2
		51-100	3	3	201-400	3	3	251-500	3
		101-300	4	4				501-1000	4
		For each additional 200 persons over 300, add	1	2	For each additional 120 persons over 125, add	1	1		Bar: 3 compartment sink (dishwashing machine, if provided, must be a commercial type) <sup>12</sup>

**Table 411**

**Minimum Plumbing Fixtures**

[The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof, i.e., if the calculation yields any fraction (no matter how small), the next whole number greater than the fractional number is the minimum fixture requirement]

Building or Occupancy <sup>1</sup>	Occupant Content <sup>1</sup>	Water Closets (Urinals can be substituted for up to half of the required water closets)			Lavatories <sup>2</sup>			Bathtubs, Showers and Miscellaneous fixtures
		Persons (total)	Male	Female	Persons (total)	Male	Female	
		add			Bar: 1 lavatory in each drink preparation area and utensil washing area located to permit convenient use by all drink and utensil handlers.			Other Fixtures: One laundry tray, service sink, or curbed cleaning facility with floor drain on premises for cleaning of mops/mop water disposal.
Do it yourself Laundries <sup>4</sup>	50 sq ft per person	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain and one service sink.
		1-50	1	1	1-100	1	1	
		51-100	1	2	101-200	2	2	
Beauty Shops, Barber shops, nail Salons, and Tanning Facilities <sup>4</sup>	50 sq ft per person	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain and one service sink or other utility sink.
		1-35	1	1	1-75	1	1	
		36-75	1	2				
Heavy manufacturing <sup>7</sup> , warehouses <sup>8</sup> , foundries, and similar establishments <sup>9,10</sup>	Occupant content per shift, substantiated by owner. Also see §411.B.2 of this code	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain for each 75 persons. One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious, or irritating material.
		1-10	1	1	1-15	1	1	
		11-25	2	1	16-35	2	1	
		26-50	3	1	36-60	3	1	
		51-75	4	1	61-90	4	1	
		76-100	5	1	91-125	5	1	
		For each additional 60 persons over 100, add	1	0.1	For each additional 100 persons over 125, add	1	0.1	
					Where there is exposure to skin contamination with poisonous, infectious, or irritating materials, provide 1 lavatory for each 15 persons.			
Light manufacturing <sup>7</sup> , Light Warehousing <sup>8</sup> , and workshops, etc. <sup>9,10</sup>	Occupant content per shift, substantiated by owner. Also see §411.B.2 of this code	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain for each 75 persons. One shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious, or irritating material.
		1-25	1	1	1-35	1	1	
		26-75	2	2	36-100	2	2	
		76-100	3	3	101-200	3	3	
		For each additional 60 persons over 100, add	1	1	For each additional 100 persons over 200, add	1	1	
					Where there is exposure to skin contamination with poisonous, infectious, or irritating materials, provide 1 lavatory for each 15 persons			
Dormitories  (For exclusively male or female dorms, the fixtures provided shall be double the amount required for the particular gender in a co-ed dorm)	50 sq ft per person (calculated on sleeping area only)	Persons (total)	Male	Female	Persons (total)	Male	Female	One drinking fountain for each 75 persons. One shower or bathtub for each 8 persons, over 150 persons add 1 shower or bathtub for each additional 20 persons. One laundry tray or washing machine for each 50 persons. Service sinks, 1 for each 100 persons.
		1-10	1	1	1-12	1	1	
		11-30	1	2	13-20	2	2	
		31-100	3	4				
		For each additional 50 persons over 100, add	1	1	For each additional 30 persons over 20, add	1	1	

**Table 411**

**Minimum Plumbing Fixtures**

[The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof, i.e., if the calculation yields any fraction (no matter how small), the next whole number greater than the fractional number is the minimum fixture requirement]

Building or Occupancy <sup>1</sup>	Occupant Content <sup>1</sup>	Water Closets (Urinals can be substituted for up to half of the required water closets)			Lavatories <sup>2</sup>			Bathtubs, Showers and Miscellaneous fixtures	
		Persons (total)	Male	Female	Persons (total)	Male	Female	Persons	Drinking Fountains Fixtures
Places of Public Assembly without seats and Waiting Rooms at Transportation Terminals and Stations	70 sq ft per person (calculated from assembly area.) Other areas considered separately (see Office or Public Buildings).	1-50 51-100 101-200 201-400 For each additional 250 persons over 400, add	2 3 4 5 1	2 3 4 5 2	1-200 201-400 401-750 Over 750 persons, lavatories for each sex shall be required at a number equal to not less than 1/2 of total of required water closets and urinals.	1 2 3	1 2 3	1-100 101-350 Over 350 add one fixture for each 400.	1 2
Theaters, Auditoriums, Stadiums <sup>15</sup> , Arenas <sup>15</sup> , and Gymnasiums	Use the number of seats as basis (For pew or bench type seating, each 18 inches of pew or bench shall equate to one person)	1-50 51-100 101-200 201-400 For each additional 250 persons over 400, add	2 3 4 5 1	2 3 4 5 2	1-200 201-400 401-750 Over 750 persons, lavatories for each sex shall be required at a number equal to not less than 1/2 of total of required water closets and urinals.	1 2 3	1 2 3	1-100 101-350 Over 350 add one fixture for each 400.	1 2
Churches, Mosques, Synagogues, Temples, and other places of Worship	Use the number of seats as basis (For pew or bench type seating, each 18 inches of pew or bench shall equate to one person)	1-70 71-150 151-500 For each additional 500 persons over 500, add	1 2 3 1	1 2 3 1	1-200 201-400 401-750 Over 750 persons, lavatories for each sex shall be required at a number equal to not less than 1/2 of total of required water closets and urinals.	1 2 3	1 2 3	1-100 101-350 Over 350 add one fixture for each 400.	1 2
Retail Fuel Stations (Along an Interstate highway when the station property is located within 1/2 mile of the nearest toe <sup>18</sup> of the exit/entrance ramp) <sup>16</sup>	Use the number of Fueling Points <sup>13</sup> as the basis	Fueling Points 1-8 9-12 13 or more	1 2 2	1 2 3	Fueling Points 1-12 13 or more	1 1	1 2	Fueling Points 1-12 13 or more	1 2
Retail Fuel Stations not meeting above criteria <sup>16</sup>	Use the number of Fueling Points <sup>13</sup> as the initial basis	Fueling Points 1 or more	1	1	Fueling Points 1 or more	1	1	Fueling Points 1 or more	1
Other Miscellaneous Buildings or Occupancies <sup>21</sup>									

**NOTES:**

1. The occupant content and the number of required facilities for occupancies other than listed shall be determined by the plumbing official. Plumbing facilities in the occupancies or tenancies of similar use may be determined by the plumbing official from this table. See §411.A.4 of this code.

2. Twenty-four linear inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to 1 lavatory (see §415.H of this code). In accordance with LAC 51:XVII.109.B, the minimum number of required public or public use lavatories/hand-washing fixtures shall be located within the toilet room.



3. When central washing facilities are provided in lieu of washing machine connections in each living unit, central facilities shall be located for the building served at the ratio of not less than one washing machine for each 12 living units, but in no case less than two machines for each building of 15 living units or less. See §§415.E.2.b and 415.M.4 of this code.

4. With the exception of retail stores associated with retail fuel stations and/or restaurant/food service establishments associated with retail fuel stations and retail stores that require 2 or more different food permits (see note #14 below), a single facility consisting of one water closet and one lavatory may be used by both males and females in the following occupancies subject to the building area limitations (See also LAC 51:XXIII.3119):

Occupancy	Total Building Area (sq ft)
Office	1200
Retail Store (within covered mall)	3500
Laundries (Self-Service)	1400
Beauty Shops, Barber Shops, Tanning Facilities, and Nail Salons	900

Occupancy	Usable Floor Space (sq ft)
Restaurant/Food Service Establishment (excluding retail fuel stations)	500
Retail Store (excluding retail fuel stations)	1500*

\* A single facility [normally allowed under Note #4 for a retail store occupancy (excluding retail fuel stations)] does not apply when the conditions of Note #14(a) below exist.

5. Common toilet facilities (separate for males and females) for each floor are acceptable in lieu of separate facilities required by this Section only when the applicable building occupant content has common access from within the building. When tenancies, rental units, etc., are to be provided with separate facilities of a partial nature, such facilities are not deductible from the total common facilities required. See §411.A.5 of this code.

6. Applicable to small stand-up restaurants and similar occupancies.

7. (a) Light manufacturing is applicable to those manufacturers manufacturing finished products which require no special equipment to handle single finished products but may require special equipment to handle the products when packaged in containers containing multiple products,

(b) Heavy manufacturing is applicable to those manufacturing processes requiring overhead cranes or similar equipment for the movement of raw materials and/or the finished products.

8. (a) Light Storage: Light storage is the storage of items which can be handled without the aid of special handling equipment such as cranes, forklifts or similar equipment,

(b) Heavy Storage: Heavy storage is the storage of items which require special equipment for handling such as cranes, forklifts or similar equipment.

9. For other than industrial areas of the occupancy, see other applicable type occupancies (applicable to facilities provided due to inaccessibility of those in main or initial occupancy).

10. As required by the Minimum Requirements for Sanitation in Places of Employment (ANSI Z 4.1). See §405.C of this code.

11. If alcoholic beverages are to be served, facilities shall be as required for clubs or lounges; however, this requirement shall not be construed to require a restaurant/food service establishment which serves alcoholic beverages and consists of 500 square feet or less of usable floor space to add any more toilet rooms than the minimum required pursuant to Note #4 above (as long as such small restaurant/food service establishment does not have a wet bar and thus would not fall under the "Club, Lounge, and Restaurants/Food Service Establishments with Club, or Lounge" occupancy classification). See LAC 51:XXIII.3119.

12. At the discretion of the plumbing official, one properly sized grease trap for wastewater from the kitchen utensil washing sink(s), dishwashing machine(s), etc., is also required. See §1005.D of this code.

13. Fueling point means the number of fueling hoses which may be activated simultaneously while refueling automobiles or other motor vehicles. See §203 – *Fueling Point* definition of this code.

14. (a) A retail store which requires two or more different food permits (e.g., Grocery Permit, Restaurant Permit, etc.) under LAC 51:XXIII and has a combined usable floor space of more than 500 square feet shall be required to provide no less than a minimum of two facilities consisting of one water closet and one lavatory each. See LAC 51:XXIII.3119.

(b) A retail store which requires two or more different food permits under LAC 51:XXIII and has a combined usable floor space of 500 square feet or less shall be allowed to operate with a single facility consisting of one water closet and one lavatory used by both males and females. The allowance to operate with a single facility assumes that a wet bar is not located on the premises. See LAC 51:XXIII.3119.

15. (a) Trough urinals may only be used for stadiums, arenas, and jails, prisons, or other institutions of detention or incarceration. Trough urinals, when used, shall conform to the following requirements: They shall not be less than 6 inches deep and shall be furnished with one piece backs and have strainers with outlets at least 1 1/2 inches in diameter. The washdown pipe shall be perforated so as to flush with an even curtain of water against the back of the urinal. This pipe shall be securely clamped as high as practicable to the back of the urinal. Trough urinals, where so equipped, shall have tanks with a flushing capacity of not less than 1 1/2 gallons of water for each 2 feet of urinal length (see §415.L.4 of this code),

(b) Trough urinals shall be figured on the basis of one urinal for each 18 inches of length, provided that: 24-inch urinal equals 1 urinal; 36-inch urinal equals 2 urinals; 48-inch urinal equals 2 urinals; 60-inch urinal equals 3 urinals; and a 72-inch urinal equals 4 urinals (see §415.L.4 of this code),

(c) Privacy screens shall not be required for trough urinals. See §415.L.5.c.i.(a) of this code.

16. If building is a multi-purpose facility (i.e., a retail fuel station and a retail store, or a retail fuel station and a retail store and a restaurant, or a retail store and retail fuel station, etc.), the occupancy which requires the largest number of fixtures shall apply. See §411.A.7 of this code.

17. Drinking fountain requirement may be waived if drinking water is dispensed in an approved, sanitary manner in accord with the requirements of Part XXIII of the Louisiana State Sanitary Code (LAC 51:XXIII). Minimally, such Part XXIII facility shall hold a health permit from DHH-OPH which requires a 3 compartment sink and a hand wash lavatory in the food preparation area. Any Part XXIII permitted-facility not meeting this requirement [such as grocery store serving pre-packaged food items only (equivalent to a retail store)] shall install a publicly accessible drinking fountain(s). See LAC 51:XXIII.3119.

18. "Toe" is defined as the point where the Interstate highway's exit/entrance ramp meets the intersecting highway. See §203 of this code – *Toe* definition.

19. Central facilities shall be installed such that the path of travel to such facilities shall not exceed a distance of 500 feet. The maximum travel distance to the central toilet facilities shall be measured from the main entrance of any store or tenant space. See §411.A.5 of this code.

20. For pre-school children, between the ages of 0-4, fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided. See LAC 51:XXI.105.C.5.a.

21. Refer to the following Parts of the Louisiana State Sanitary Code (LAC 51) for specific information relative to the number of plumbing fixtures required for these other miscellaneous buildings or occupancies:

<b>Building or Occupancy</b>	<b>Louisiana State Sanitary Code (LAC 51)</b>
Wholesale Seafood Plants (Marine and Freshwater)	Part IX
Campsites	Part XVI
Jails, Prisons and Other Institutions of Detention or Incarceration (See §415.L.4 of this code)	Part XVIII
Hospitals, Ambulatory Surgical Centers, Renal Dialysis Centers	Part XIX
Nursing Homes	Part XX
Temporary Food Service (Festivals or Fairs)	Part XXIII, Chapter 47
Swimming Pools	Part XXIV
Mass Gathering Areas	Part XXV

B. Adjustments to Minimum Facilities. When necessary, the following may be utilized to make adjustments to the minimum facilities requirements.

1. The "Persons (total)" column included in Table 411 of this Part is based upon a 50 percent male to 50 percent female ratio. The plumbing official may make adjustments in the distribution of facilities between male and female when furnished satisfactory data to substantiate a claim that the numbers of male and female fixtures in Table 411 of this code would not provide a satisfactory ratio of facilities based on the male-female ratio for the ultimate users. In any case, where deviation is permitted, in accordance with this Section, the plumbing official may require additional facilities if the data submitted proves to be in error or if changes are made that affect such data, whether it be by the original or later owner or occupants of the building or tenancy.

2. The plumbing official may make adjustments in the occupant content established by Table 411 of this code when, in a particular case, satisfactory data, accompanied by plans, is furnished which substantiates a claim that the occupant content of a particular building or tenancy will, at all times, be less than provided for in the above table. Approval of such data and accompanying claims shall not prevent the plumbing official from requiring additional facilities based on the above table, should changes be made affecting the data or plan upon which the original approval was based whether such changes be made by the original or ultimate owner or building occupant or occupants. The remainder of the facilities' requirements of §411 of this code are not affected by this paragraph.

C. Facilities' Separation. The occupant content established by this code shall not be construed to have any force or effect upon the occupant content requirements of the codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session. The occupant content in this code is established only to calculate the number of plumbing facilities required for a building or for a tenancy within a building when such tenancy is separated from the remainder of the building by walls or partitions or when central facilities would not provide for the satisfactory needs of a tenant's patrons who must remain in a given area to receive the service rendered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2816 (November 2012).

### §413. Fixture Outlets

A. Lavatory Waste Outlets. Lavatories shall have waste outlets not less than 1 1/4-inch diameter. Waste outlets may have open strainers or may be provided with stoppers.

B. Sink Waste Outlets. Sinks shall be provided with waste outlets not less than 1 1/2-inch diameter. Waste outlets may have open strainers or may be provided with stoppers.

C. Strainers and Fixture Outlets. All plumbing fixtures, other than water closets and siphon-action washdown or blowout urinals, shall be provided with strainers having waterway area complying with Table 407 of this code.

D. Overflows. The following applies to overflows for plumbing fixtures.

1. Design. When any fixture is provided with an overflow, the waste shall be so arranged that the standing water in the fixture cannot rise in the overflow when the stopper is closed or remain in the overflow when the fixture is empty.

2. Connection. The overflow pipe from a fixture shall be connected on the house or inlet side of the fixture trap, except that overflows of flush tanks may discharge into the water closets or urinals served by them, but it shall be unlawful to connect such overflows with any other part of the drainage system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2823 (November 2012).

### §415. Fixture Types

A. Commercial Dishwashing Machines. The following applies to commercial dishwashing machines.

1. Protection. Commercial dishwashing machines shall meet the requirements of §§609 and 807.B of this code.

2. Waste Connection. Each unit may be separately trapped or discharge indirectly into a properly trapped and vented fixture. A commercial dishwashing machine shall not be directly connected to a drainage system. When a commercial dishwashing machine is located within 5 feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap.

3. Sanitization. Commercial dishwashing machines shall be installed and operated in accord with the manufacturer's recommendations and with the mechanical cleaning and sanitizing requirements contained within Part XXIII (Eating and Drinking Establishments) of the Louisiana State Sanitary Code (LAC 51:XXIII).

4. Flow Pressure. When spray-type dishwashing machines are used in commercial installations, the pressure measured in the final rinse water line shall be at least 15 psi (103 kPa) and not more than 25 psi (172 kPa) when the final rinse spray is operating. A suitable pressure gauge and gage cock shall be provided in a readily accessible location immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water. If necessary, a permanently installed pressure regulator shall be provided on the final rinse water line in order to maintain the proper water pressure in the line when the final rinse spray is operating.

B. Domestic Dishwashing Machines. The following applies to domestic dishwashing machines.

1. Protection. Domestic dishwashing machines shall meet the requirements of §§609 and 807.B of this code.

2. Waste Connection. Each unit may be separately trapped or discharge indirectly into a properly trapped and vented fixture. A domestic dishwashing machine shall not be directly connected to a drainage system. It may be connected through a wye connection into the tail piece of a sink or into the body of a disposal unit with the flexible dishwasher hose looped up to within 2 inches of the bottom of the counter top.

C. Drinking Fountains. The following applies to drinking fountains.

1. Design and Construction. Drinking fountains shall conform to ASME A 112.19.1 or CSA B45.2 if of enameled cast iron or enameled steel; or ASME A 112.19.2 or CSA B45.1 if of ceramic. Mechanically refrigerated drinking fountains shall also conform to ARI 1010. All drinking fountains shall conform to NSF 61.

2. Protection of Water Supply. Stream projectors shall be so assembled as to provide an orifice elevation as specified by ASME A 112.1.2.

3. Prohibited Location. Drinking fountains shall not be installed in public toilet rooms.

4. Minimum Required Separation from Contamination. Drinking fountain fixtures shall provide a minimum of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].

a. Exception. This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleanable surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.

b. Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells.

5. Minimum Fixture Requirements. Water dispensing type drinking fountains which connect to the potable water distribution system but require the use of an individual cup or container shall be permitted to substitute for not more than 50 percent of the required number of drinking fountains. Bottled water-type dispensers are prohibited from counting toward the minimum required number of drinking fountains.

D. Garbage Can Washers. Garbage can washers shall be separately trapped. The receptacle receiving the wash from garbage cans shall be provided with a removable basket or strainer to prevent discharge of large particles into the building drainage system. Any water supply connection shall be protected against backflow by an air gap (water distribution) or an approved backflow prevention device.

E. Floor Drains. The following applies to floor drains.

1. Installation. The installation of floor drains shall comply with the following.

a. Floor drains shall connect into a trap so constructed that it can be readily cleaned and of a size to efficiently serve the purpose for which it is intended. The

drain inlet shall be located so that it is, at all times, in full view and accessible.

b. Floor drains shall have a minimum 2-inch diameter drain outlet and connect to a trap no less than 2-inches in diameter.

c. Floor drains subject to backflow shall not be directly connected to the drainage system or shall be provided with a backwater valve.

d. Floor drains shall be provided with removable strainers meeting §807.G.2 of this code, the open area of which shall be not less than two-thirds of the cross-sectional area of the trap to which it connects.

2. Required Locations. Floor drains shall be installed in the following areas:

a. Floor drains shall be installed in all public toilet rooms, etc., (see definition of Public or Public Use in Chapter 2 of this code) and shall be fed (the water seal replenished) by an approved automatic trap priming device meeting the requirements of and installed in accordance with §415.E.4.a, §415.E.4.b, or §415.E.4.c of this code.

i. Exceptions

(a). Floor drains are not required in the toilet rooms serving hotel/motel guest rooms or patient rooms of hospitals and nursing homes.

(b). In existing ground floor construction, the addition of floor drains in public toilet rooms is only required when substantial renovation or fixture additions to the public toilet room(s) occurs which requires the concrete slab to be broken or when a serious health threat to the public exists.

b. In public coin operated laundries and in the central washing facilities of apartment buildings or in rooms containing connections for laundry machines except in one and two family dwellings, the rooms containing the laundry machines shall be provided with adequate floor drains located to readily drain the entire floor area. When such floor drains are not embedded in concrete, the floors shall be properly lined as required by §415.I.2 of this code and the required floor drains shall meet the design criteria for shower drains in §415.I.1 of this code.

c. Recess rooms located within medical facilities which contain the recessed or concealed portions of sterilizers shall be provided with a minimum of one acceptable floor drain in accordance with §1305.C.2 of this code.

d. Each toilet room and laundry room in the service buildings of travel trailer parks shall be provided with a minimum 2-inch floor drain in accordance with §1509.F of this code.

3. Prohibited Locations. The following applies to prohibited locations of floor drains.

a. No floor drain or other plumbing fixture except electric water heaters shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

b. Floor drains directly connected to the plumbing system shall not be located in elevator pits.

c. No floor drains shall be permitted in food storage areas unless installed in accordance with §807.A of this code.

d. Floor drains are not permitted in walk-in coolers or freezers unless they are provided with indirect connections to the sanitary sewer located outside the walk-in cooler or freezer.

4. Trap Seal Protection. Floor drain or similar traps shall be regularly and automatically fed (the water seal replenished) by the addition of water, liquid waste, or industrial waste (such as the normal and regular operation of a plumbing fixture or condensate waste draining thereto) into the floor drain or, in lieu thereof, shall be protected by the use of:

a. an ASSE 1018 automatic trap priming device (see §625.D of this code);

b. an electronic potable water supply fed trap priming device meeting ASSE 1044 (see §625.D of this code);

c. a drainage type device meeting ASSE 1044 which captures liquid wastes only from:

i. the tail piece of a lavatory;

ii. the discharge side of the atmospheric vacuum breaker located downstream of a flushometer valve servicing a water closet or a clinical sink (the take off point on the discharge pipe must be at least 4" below the critical level of the vacuum breaker); or,

iii. the refill/hush tube of ballcocks (only on ballcocks that utilize an atmospheric vacuum breaker in accordance with the requirements of §609.C.2 of this code).

d. an ASSE 1072 listed barrier type floor drain trap seal protection device; or,

e. a combination of the methods listed above, i.e., the use of an ASSE 1072 device in addition to the use of either an ASSE 1018 or ASSE 1044 automatic trap priming device.

F. Food Waste Grinder Units. The following applies to food waste grinder units.

1. Separate Connections. Domestic food waste disposal units may be connected and trapped separately from any other fixture or compartment. Units may have either automatic or hand-operated water-supply control. See §609 of this code.

2. Commercial Type Grinders. Food grinders used in commercial buildings shall have an automatic water-supply and shall be provided with not less than 2-inch (51mm) waste line. Each waste line shall be trapped and vented as provided in other Sections of this code (see §1005.K.1 of this code).

G. Laundry Trays. The following applies to laundry trays.

1. Waste Outlets. Each compartment of a laundry tray shall be provided with a waste outlet not less than 1 1/2 inches in diameter.

2. Overflow. Laundry tray overflows shall conform to the requirements of §413.D of this code.

H. Multiple Washsinks. The following applies to multiple washsinks.

1. Circular Type. Each 18 inches (457 mm) of wash sink circumference (circular type), when provided with water outlets for such space, shall be equivalent to one lavatory.

2. Straight-Line Type. Multiple wash sinks of the straight-line type shall have hot and cold combination spouts not closer than 24 linear inches (610 mm) from adjacent

similar spouts and each spout shall be considered the equivalent of one lavatory.

I. Shower Compartments. The following applies to shower compartments.

1. Shower. Shower compartments shall conform to Table 415.I of this Part and shall have approved shower pan material or the equivalent thereof as determined by the plumbing official. The pan shall turn up on three sides at least 2 inches (51 mm) above finished curb level. The remaining side shall wrap over the curb. Shower drains shall be constructed with a clamping device so that the pan may be securely fastened to the shower drain thereby making a watertight joint. Shower drains shall have an approved weephole device system to insure constant drainage of water from the shower pan to the sanitary drainage system. There shall be a watertight joint between the shower drain and trap. Shower receptacle waste outlets shall be not less than 2 inches and shall have a removable strainer.

a. Exception. Shower compartments with prefabricated receptors conforming to the standards listed in Table 415.I of this Part, or special use shower compartments for accessible use which comply with the ANSI A117.1 accessibility standard.

Table 415.I Prefabricated Shower Receptor Standards	
Materials	Standards
Plastic Bathtub and Shower Units	ANSI Z124.1.2
Chlorinated Polyethylene (CPE) Sheeting for Concealed Water-Containment Membrane	ASTM D 4068
Polyvinyl Chloride (PVC) Plastic Flexible Concealed Water-Containment Membrane	ASTM D 4551, See §303.G.7 of this code

2. Construction. Floors under shower compartments shall be laid on a smooth and structurally sound base and shall be lined and made watertight with sheet lead, copper or other acceptable materials.

3. Public or Institutional Showers. Floor of public shower rooms shall be drained in such a manner that no waste water from any shower head will pass over floor areas occupied by other bathers.

J. Special Fixtures. The following applies to special fixtures.

1. Water Drain and Connections. Baptistries, ornamental and lily pools, aquaria, ornamental fountain basins and similar constructions when provided with water supplies shall be protected from backsiphonage as required in §609.A and Table 609.F.6 of this code.

2. Approval. Specialties requiring water and waste connections shall be submitted for approval of the plumbing official.

3. Accessible Fixtures. Accessible fixtures shall comply with the requirements of ANSI A117.1.

K. Swimming Pools, Spas, and Hot Tubs. The following applies to swimming pools, spas, and hot tubs.

1. Water Circulation System Components. Water circulation system components and disinfectant equipment for swimming pools, spas or hot tubs shall meet the requirements of NSF 50. [For other swimming pool and spa requirements, also see Part XXIV (Swimming Pools) - Louisiana State Sanitary Code (LAC 51:XXIV)]

2. Suction Fittings. Suction fittings shall conform to ASME A 112.19.8 or APSP 16. Public, Residential Spas shall comply with the standards listed in the following Table 415.K below.

Table 415.K Public and Residential Spas Standards	
Materials	Standards
Public Spas	APSP-2
Residential Spas, Permanently Installed	APSP-3
Residential Spas, Portable	APSP-6

L. Urinals. The following applies to urinals.

1. Automatic Flushing Tank. Tanks flushing more than one urinal shall be automatic in operation and of sufficient capacity to provide the necessary volume to flush and properly cleanse all urinals simultaneously.

2. Urinals Equipped with Automatic Flush Valves. Flushometers shall be as prescribed in §415.N.5 of this code and no valve shall be used to flush more than one urinal.

3. Nonwater Urinals. Nonwater urinals shall conform with LAC 51:XIV.409.A.2.

4. Trough Urinals. Trough urinals may only be used for stadiums, arenas, and jails, prisons, or other institutions of detention or incarceration. Trough urinals, when used, shall conform to the following requirements:

a. Shall not be less than 6 inches deep and shall be furnished with one piece backs and have strainers with outlets at least 1 1/2 inches in diameter.

b. The washdown pipe shall be perforated so as to flush with an even curtain of water against the back of the urinal. This pipe shall be securely clamped as high as practicable to the back of the urinal. Trough urinals, where so equipped, shall have tanks with a flushing capacity of not less than 1 1/2 gallons of water for each 2 feet of urinal length.

c. Trough urinals shall be figured on the basis of one urinal for each 18 inches of length, provided that: 24-inch urinal equals 1 urinal; 36-inch urinal equals 2 urinals; 48-inch urinal equals 2 urinals; 60-inch urinal equals 3 urinals; and a 72-inch urinal equals 4 urinals.

5. Privacy. Privacy walls or partitions shall be provided for each urinal within public use and employee use toilet rooms used by males. Such walls or partitions shall conform to the following:

a. The wall or partition finish surface shall be non-absorbent, smooth, and easily cleanable.

b. The walls or partitions shall begin at a height of not more than 14 inches above the finished floor surface and shall extend not less than 60 inches above the finished floor surface.

c. The walls or partitions shall extend from the wall surface at each side of the urinal a minimum of 18 inches or to a point not less than 6 inches beyond the outermost front lip of the urinal measured from the finished back wall surface, whichever is greater.

i. Exceptions. The following conditions shall constitute an exception (or a partial exception) to the requirement for privacy walls or partitions for each urinal within public use toilet rooms used by males:

(a). toilet rooms having wall-hung trough urinals only (which are currently only allowed in stadiums, arenas,

and in jails, prisons, and other places of detention or incarceration);

(b). toilet rooms used by children less than 5 years of age which are located in day care and child-care facilities and which contain two or more urinals shall be permitted to have one urinal without privacy walls or partitions; or,

(c). toilet rooms located in jails, prisons and other places of detention or incarceration.

M. Washing Machines for Residences. The following applies to washing machines for residences.

1. Protection. Domestic washing machines shall meet the requirements of §609.A of this code.

2. Separate Trap. Each unit shall be separately trapped or discharge indirectly into a properly trapped and vented fixture (see §1001.I of this code).

3. Cross Fittings. Automatic washing machines shall not be connected to a 2-inch or smaller cross-type fitting.

4. Central Facilities. When central washing facilities are provided in lieu of washing machine connections in each living unit, central facilities shall be located for the building served at the ratio of not less than one washing machine for each 12 living units, but in no case less than two machines for each building of 15 living units or less. See §415.E.2.b of this code.

N. Water Closets. The following applies to water closets.

1. Public Use. Water closet bowls for public use including, but not limited to, hotel and motel guest rooms and patient rooms of hospitals and nursing homes shall be of the elongated type.

2. Flushing Device. Water closet gravity, tanks, flushometer tanks and flushometer valves shall have a flushing capacity sufficient to properly flush the water closet bowls to which they are connected.

3. Float Valves. Float valves in water closet tanks shall close tight and provide water to properly refill the trap seal in the bowl.

4. Close-Coupled Tanks. The flush valve seat in close-coupled water closet combinations shall be 1 inch (25.4 mm) or more above the rim of the bowl, so that the flush valve will close even if the closet trapway is clogged. Any closets with flush valve seats below the rim of the bowl shall be so constructed that in case of trap stoppage, water will not flow continuously over the rim of the bowl.

5. Automatic Flush Valve. Flushometers shall be so installed that they will be readily accessible for repairing. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing positively under the service pressure. At each operation, the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow. Not more than one fixture shall be served by a single flush valve.

6. Seats. Water closets shall be equipped with seats of smooth nonabsorbent material. All seats of water closets provided for public use including, but not limited to, hotel and motel guest rooms and patient rooms of hospitals and nursing homes shall be of the open-front type. Integral water closet seats shall be of the same material as the fixture. The seat contour shall be the same contour as the water closet.

7. Water Closet Compartment. Each water closet utilized by the public or employees shall occupy a separate

compartment with walls or partitions and a lockable door enclosing the individual fixture to ensure privacy. Such walls or partitions shall conform to the following:

a. The wall or partition finish surface shall be non-absorbent, smooth, and easily cleanable.

b. The walls or partitions shall begin at a height of not more than 14 inches above the finished floor surface (except when same would be higher than the bowl rim of a child-sized toilet) and shall extend not less than 66 inches above the finished floor surface. For child-sized toilets, the walls or partitions shall begin at a height no higher than the bowl rim of the child-sized toilet.

i. Exceptions. The following conditions shall constitute an exception (or a partial exception) to the requirement for separate compartments for each water closet:

(a). toilet rooms containing only a single water closet (or only a single water closet and lavatory) with a lockable door;

(b). toilet rooms located in day care and child-care facilities which care for children less than 5 years of age and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment; or,

(c). toilet rooms located in jails, prisons and other institutions of detention or incarceration.

O. Whirlpool Bathtubs. The following applies to whirlpool bathtubs.

1. Access. An access panel of sufficient size shall be installed to provide access to the pump for repair and replacement.

2. Pump. When not factory assembled to the tub assembly, the circulation pump shall be accessibly located above the crown weir of the trap. The pump drain line shall be properly graded to assure minimum water retention in the volute after fixture use.

3. Operation. Leak testing and pump operation shall be performed in accordance with manufacturer's recommendations.

4. Hydro-massage Bathtubs. Hydro-massage bathtubs shall comply with ASME A 112.19.7.

5. Whirlpool Bathtub Appliances. Whirlpool bathtub appliances shall comply with ASME A 112.19.7.

6. Suction Fittings. Suction fittings for use in whirlpool bathtubs shall comply with ASME A 112.19.8 or APSP 16.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7), R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and HCR 4 of the 2008 Regular Session.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2823 (November 2012).

#### **§417. Additional Provisions for Plumbing Fixtures**

A. Additional provisions for plumbing fixtures are contained in Chapter 13, Medical Facilities Plumbing Systems, of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2827 (November 2012).

## **Chapter 5. Water Heaters**

### **§501. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, and installation of water heaters.

B. Working Pressure Identification. All storage tanks and water heaters shall be clearly and indelibly marked showing the allowable safe working pressure.

C. Water Heater as Space Heater. A water heater may be used as a part of a space heating system if the outlet water temperature of the water heater does not exceed 160°F (71°C) and the potability of the water is maintained throughout the system.

D. Sediment Drains. A suitable water valve or cock, through which sediment may be drawn off or the heater or tank emptied, shall be installed at the bottom of the heater or tank.

E. Location. The following applies to the location of water heaters and/or associated storage tanks.

1. Water heaters and storage tanks shall be so located and connected that they will be accessible for observation, maintenance, servicing and replacement.

2. Gas water heaters in residential garages shall be installed so that all burners and burner ignition devices are located not less than 18 inches above the floor.

3. Gas water heaters shall be located, or reasonably protected, so that they are not subject to physical damage by a moving vehicle.

4. Every attic or furred space in which water heaters and/or storage tanks are installed shall be readily accessible by an opening and passageway as large as the largest piece of equipment and in no case less than 22 x 36 inches (559 x 914 mm) continuous from the opening to the equipment and its controls. The opening to the passageway should be located not more than 20 ft (6096 mm) from the equipment measured along the center line of such passageway. Every passageway shall be unobstructed and shall have solid continuous flooring not less than 24 inches (610 mm) wide from the entrance opening to the equipment. On the control side and on other sides where access is necessary for servicing of equipment, a level working platform extending a minimum 30 inches (762 mm) from the edge of the equipment with a 36 inch (914 mm) high clear working space shall be provided.

F. Marking. All water heaters and associated storage tanks shall comply with the following marking requirements.

1. Water Heaters. All water heaters shall bear the following, or equal wording on a visible decal or label by the manufacturer:

There shall be installed at time of heater installation a combination temperature and pressure relief valve, selected and located in conformance with the requirements of ANSI Z21.22 or CSA 4.4M.

2. Pressure Marking of Storage Tanks. Any storage tank installed for domestic hot water shall have clearly and indelibly stamped in the metal, or so marked upon a plate welded thereto or otherwise permanently attached, the maximum allowable working pressure. Such markings shall be in an accessible position outside of the tank so as to make inspection or reinspection readily possible. All unlisted

storage tanks for domestic hot water shall meet the applicable ASME standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2827 (November 2012).

**§503. Standards**

A. Electric Water Heaters. Electric residential water heaters shall comply with UL 174.

B. Gas Water Heaters. Automatic storage type gas water heaters with inputs of 75,000 Btuh (22 kW), or less shall comply with ANSI Z21.10.1 or CSA 4.1. Circulating tank, instantaneous and large automatic storage type gas water heaters shall comply with ANSI Z21.10.3 or CSA 4.3.

C. Testing and Listing. Water heaters shall be tested and listed by an approved agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2828 (November 2012).

**§505. Minimum Capacities for Residential Water Heaters**

A. Water heaters installed in residential occupancies may be sized in accordance with the following Table 505.

Table 505											
Minimum Capacities For Water Heaters <sup>1,2</sup>											
Number of Bathrooms	1 to 1.5			2 to 2.5			3 to 3.5				
	1	2	3	2	3	4	5	3	4	5	6
First Hr Rating Gal.	42	54	54	54	67	67	80	67	80	80	80
Nom. Tank Size, Gal. Gas Water Heaters	20	30	30	30	40	40	50	40	50	50	50
Elect. Water Heaters	30	50	50	50	66	66	80	66	80	80	80
Oil Water Heaters	30	30	30	30	30	30	30	30	30	30	30

NOTES:

1. The main criteria for a properly sized water heater is a sufficient first hour rating to meet peak hot water demand. The majority of tank sizes shown in the table will have a first hour rating equal to or greater than the first hour rating indicated. A water heater with a smaller tank size than shown in the table but with a sufficient first hour rating shall be permitted.
2. The first hour rating is found on the "Energy Guide" label.

B. Non-storage and solar water heaters shall be sized with sufficient capacity to meet the appropriate first hour rating shown in Table 505 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2828 (November 2012).

**§507. Prohibited Installations**

A. Water heaters (using solid, liquid or gas fuel) with the exception of those having direct vent systems, shall not be installed in bathrooms and bedrooms or in a closet with access only through a bedroom or bathroom. However, water heaters of the automatic storage type may be installed as replacement in a bathroom, when specifically authorized by the plumbing official, provided they are properly vented and supplied with adequate combustion air.

1. Exception. When a closet, having a weather-stripped solid door with an approved door closing device, has been designed exclusively for the water heater and where all air for combustion and ventilation is supplied from outdoors.

B. Water heaters (using solid, liquid or gas fuel) shall not be installed in a room containing air handling machinery when such room is used as a plenum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2828 (November 2012).

**§509. Connections**

A. A shutoff valve shall be provided in the cold water branch line to each water storage tank or each water heater, on the same floor within 3 feet of the heater. Full port ball valve shut-offs on cold water branch lines to 2 inches or full port ball or resilient wedge-type shut-off valves for 2 1/2-inch lines and larger shall be used. The valving shall not interfere or cause a disruption of the cold water supply to the remainder of the cold water system.

B. The method of connecting a circulating water heater to the tank shall assure proper circulation of water through the heater, and permit a safe and useful temperature of water to be drawn from the tank. The pipe or tubes required for the installation of appliances which will draw from the water heater or storage tank shall be subject to the applicable provisions of this code for material and installation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2828 (November 2012).

**§511. Safety Devices**

A. Anti-Siphon and Vacuum Relief Devices. Anti-siphon and vacuum relief devices shall be provided and installed in accord with the following.

1. Means acceptable to the plumbing official shall be provided to prevent siphoning of any water heater or tank to which any water heater or tank is connected. A cold water "dip" tube with a hole at the top or a vacuum relief valve installed in the cold water supply line above the top of the heater or tank may be accepted for this purpose.

2. Bottom fed heaters or bottom fed tanks connected to water heaters shall have a vacuum relief valve installed. The vacuum relief valve shall be in compliance with the appropriate requirements of ANSI Z21.22 or CSA 4.4M.

B. Water Temperature Control in Piping from Tankless Heaters. The temperature of water from tankless heaters shall be tempered to 140°F (60°C) when intended for domestic uses. This provision shall not supersede the requirement for protective valves per §623 of this code.

C. Relief Valve. All storage water heaters operating above atmospheric pressure shall be provided with an approved, self-closing (levered) pressure relief valve and temperature relief valve or combination thereof, except for nonstorage instantaneous heaters. Such valves shall be installed in the shell of the water heater tank or may be installed in the hot water outlet, provided the thermo-bulb extends into the shell of the tank. Temperature relief valves shall be so located in the tank as to be actuated by the water in the top one-eighth of the tank served. For installations

with separate storage tanks, said valves shall be installed on the tank and there shall not be any type of valve installed between the water heater and the storage tank. There shall not be a check valve or shutoff valve between a relief valve and the heater or tank which it serves. The relief valve shall not be used as a means of controlling thermal expansion (see §623.D of this code).

D. Energy Cutoff Device. All automatically controlled water heaters shall be equipped with an energy cutoff device which will cut off the supply of heat energy to the water tank before the temperature of the water in the tank exceeds 210°F (99°C). This cutoff device is in addition to the temperature and pressure relief valves.

E. Relief Valve Approval. Temperature and pressure relief valves, or combinations thereof, or energy shutoff devices shall bear the label of the AGA or ASME, with a thermosetting of not more than 210°F (99°C) and pressure setting not to exceed the tank or heater manufacturer's rated working pressure. The relieving capacity of these two devices shall each equal or exceed the heat input to the water heater or storage tank.

F. Relief Outlet Waste. The outlet of a pressure, temperature, or other relief valve shall not be directly connected to the drainage system.

G. Heater Over 200,000 Btuh Input. The relief valve shall have a minimum AGA temperature steam rating of 200,000 Btu (211,000 kJ), shall comply with all construction, testing and installation requirements of ANSI Z21.22 or CSA 4.4M, and shall have minimum 1-inch inlet and outlet pipe size connections. In addition, the temperature relieving element of the valve shall have a water discharge capacity based on 1250 Btu (1319 kJ) for each gallon per hour of water discharged at 30 psi (207 kPa) working pressure and a maximum temperature of 210°F (99°C). This rating must be certified by the valve manufacturer. Also, the pressure relieving element of the valve shall be ASME pressure steam rated. Both the temperature water rating and the ASME pressure steam rating of the combination temperature and pressure relief valve shall be equal to or in excess of the input to the hot water storage tank or storage water heater.

H. Safety Pans and Relief Valve Waste. Safety pans and relief valve waste piping shall comply with the following.

1. When water heaters or hot water storage tanks are installed in remote locations such as suspended ceiling spaces or in attics, the tank or heater shall rest in a galvanized steel or other metal pan of equal corrosive resistance having a thickness at least equal to 0.0276-inch (0.7 mm) galvanized sheet steel.

a. Exception. Electric water heaters may rest in a high impact plastic pan of at least 1/16-inch (1.6 mm) thickness.

2. Safety pans shall be no less than 1 1/2 inches (38mm) deep and shall be of sufficient size and shape to receive all drippings or condensate from the tank or heater. The pan shall be drained by a pipe no less than 1-inch (25.4 mm) diameter.

3. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain or extend to the exterior of the building and terminate no less than 6 inches (152 mm) or more than 24 inches (610 mm) above finish grade<sub>(G)</sub>.

4. The discharge from the relief valve shall be piped full-size separately to the outside of the building or to an indirect waste receptor so that any discharge can cause no personal injury or property damage and can be readily observed by the building occupants. Relief valve discharge piping shall contain no valves or traps and shall be so graded and connected as to drip to the discharge end of the piping by gravity. When the relief valve discharge is piped to the outside of the building, it shall terminate no less than 6 inches (152 mm) and no more than 24 inches (610 mm) above finish grade<sub>(G)</sub>.

5. Relief valve discharge piping shall be of those materials listed in §619 or Table 511 of this code, or shall be tested and rated for such use.

Table 511 Relief Valve Materials	
Material(s)	Standard
Water Heater Relief Valve Drain Tubes	ASME A 112.4.1

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2828 (November 2012).

### §513. Solar Water Heating Systems

A. Solar energy systems used for heating potable water or using an independent medium for heating potable water shall comply with the applicable requirements of this code. The use of solar energy shall not compromise the requirements for cross connection or protection of the potable water distribution system, water service pipe, or water supply system required by this code. Solar energy systems shall also meet the applicable requirements of the state-adopted energy code and the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session.

B. Definitions. Definitions contained in Chapter 2 of this code shall also apply to this Section except where the following special definitions shall apply.

*Active Solar System*—a solar water heating system that utilizes an electric pump and controllers to circulate heat transfer fluid through the solar collectors.

*Auxiliary Heating Equipment*—equipment utilizing energy other than solar, to supplement the output provided by the solar energy system.

*Closed Loop System*—system where the collector loop heat transfer fluid is enclosed in a piping loop separate from the potable water supply.

*Collector Loop*—the piping of a collector system in which a *heat transfer fluid* circulates between the *solar collector(s)* and a heat exchanger.

*Direct-Circulation System*—a system where the *potable water* is heated as a result of being circulated directly through the collectors (these systems are prohibited).

*Double Wall Heat Exchanger*—a heat exchanger design in which a single failure of any fluid barrier will not cause a cross connection or permit back siphonage of *heat transfer fluid* into the *potable water supply*. Any barrier which fails shall allow the discharge of *heat transfer fluid* and/or *potable water* to the atmosphere at a location visible to the operator or owner.



*Drainback System*—liquid system that only fills the collector when the temperature differential is appropriate. The water that is circulated through the collectors is stored in a reservoir.

*Engineered Solar System*—a system designed for a specific building project with drawings and specifications indicating materials to be installed, all as prepared by a person registered or licensed to perform solar design work.

*Heat Transfer Fluid*—the operating or thermal storage liquid in a mechanical system, including water or other liquid base, and additives at the concentration present under operating conditions used to move heat from one location to another. Refrigerants are not included as *heat transfer fluids*.

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

*IAF*—International Accreditation Forum, the world association of Conformity Assessment Accreditation Bodies and other bodies interested in conformity assessment in the fields of management systems, products, services, personnel and other similar programs of conformity assessment. Its primary function is to develop a single worldwide program of conformity assessment which reduces risk for business and its customers by assuring them that accredited certificates may be relied upon. Accreditation assures users of the competence and impartiality of the body accredited.

*IAF MLA Signatory*—The objective of the *IAF MLA* is to ensure that the personnel certifications granted by signatories of the *IAF MLA* can be recognized by other signatories, increasing the worldwide employability of the certified professionals. Mutual recognition is based on peer evaluations between signatories to ensure each other's personnel certifications are equivalent and that each certified professional can perform the required tasks. Once an accreditation body is a signatory of the *IAF MLA* it is required to recognize the certificates issued by conformity assessment bodies accredited by all other signatories of the *IAF MLA*, with the appropriate scope. Accreditations granted by *IAF MLA* signatories are recognized worldwide based on their equivalent accreditation programs, therefore reducing costs and adding value to business and consumers. Accreditation body members of *IAF* are admitted to the *MLA* only after stringent evaluation of their operations by a peer evaluation team. For a complete list of *IAF* members and signatories visit: [http://www.iaf.nu/articles/IAF\\_MEM\\_USA\\_all/112](http://www.iaf.nu/articles/IAF_MEM_USA_all/112).

*IECI*—International Electrotechnical Commission.

*Indirect-Circulation System*—a *closed loop* solar water heating system which prohibits contact between the *heat transfer fluid* and the potable water by the use of a heat exchanger to transfer the collected heat from the heat transfer fluid to the potable water.

*ISO*—International Organization for Standardization.

*ISO/IEC Guide 65*—a document that specifies requirements for bodies that operate third-party certifications of products to ensure that those bodies conduct their certification processes in an impartial, reliable, and consistent manner. Conformity to these standards provides assurance that a certification program is of high quality, integrity, and competency, and that it is free of any conflicts of interest, such as financial, commercial, or social influences.

*Listed*—equipment or materials included in a list published by an approved nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each testing laboratory, inspection agency, or other organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The plumbing official should utilize the system employed by the listing organization to identify a listed product.

*MLA*—Multilateral Recognition Arrangement, to ensure mutual recognition of accredited certification between signatories to the *MLA*, and subsequently acceptance of accredited certification in many markets based on one accreditation.

*Potable Water*—water having bacteriological, physical, radiological and chemical qualities that make it safe and suitable for *human consumption*.

*Potable Water Supply*—a publicly owned or privately owned water supply system which purveys *potable water*.

*Readily Accessible*—having direct access without the need of removing any panel, door or similar covering of the item described and without requiring the use of portable ladders, chairs, etc.

*Solar Collector*—a device designed to absorb radiation from the sun and transfer this energy to a fluid which passes through the collector.

*Solar Water Heating System*—any unit or package of components designed to collect, convey, store, and convert the sun's energy for the purpose of heating *potable water*.

*SRCC*—Solar Rating and Certification Corporation

*Toxic*—a substance that causes injury, illness, or death, especially by chemical means.

C. General. The following general requirements shall be applicable to solar water heating systems.

1. Certification. Solar water heating systems shall be certified to the Solar Rating and Certification Corporation's (SRCC) OG-300 document, 2010 edition (Operating Guidelines and Minimum Standards for Certifying Solar Water Heating Systems) by the SRCC themselves or by listing agencies [such as the International Association of Plumbing and Mechanical Officials (IAPMO)] which are currently accredited as meeting the ISO/IEC Guide 65 by the American National Standards Institute (ANSI) or other IAF MLA signatory accreditation bodies.

2. Installation. Solar water heating systems and appurtenances shall comply with the requirements of this Section, other applicable provisions of this code, and any other applicable requirements of the codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session. All parts of a solar water heating system involving plumbing shall be installed by individuals holding a valid plumber's license issued by the State Plumbing Board of Louisiana (SPBLA), subject to any exceptions thereto as may be authorized under the SPBLA's law and regulations.

a. Solar water heating systems shall be installed in a manner conforming to this Section, other applicable provisions of this code, applicable standards, and the

manufacturers' installation instructions. In instances where this Section, other applicable provisions of this code, applicable standards, or the manufacturers' instructions conflict, the more stringent provisions shall prevail.

3. Maintenance. Solar water heating systems shall be maintained in proper safe and sanitary operating condition, and the owner shall be responsible for maintenance.

a. Access for maintenance and repair shall be provided to solar water heating system equipment, components, valves, etc. Solar water heating equipment and appurtenances shall not obstruct or interfere with the operation of any doors, windows, or other building components requiring operation or access.

4. Safety. Any solar water heating system capable of providing hot water in excess of 140<sup>0</sup> F (60<sup>0</sup>C) shall be equipped with a listed tempering valve or temperature-limiting device to limit the temperature of water delivered to the domestic hot water system to a maximum of 140<sup>0</sup> F (60<sup>0</sup>C).

a. Solar water heating equipment that could generate a glow, spark, or flame capable of igniting flammable vapors may be installed in a residential garage provided the pilots and burners, heating elements, motors, controllers, or switches are at least 18 inches (457 mm) above the floor level.

D. Solar Water Heating System Design Criteria. Solar water heating system design criteria shall be as follows.

1. Overall System Design. All solar water heating systems shall be of the closed loop type, utilizing an indirect circulation system. Direct circulation systems are prohibited.

a. Solar water heating systems shall have flow directions indicated on system components and piping or shall have flow directions indicated on a diagrammatic representation of the system as installed, permanently affixed to the system hardware in a readily accessible and visible location.

b. The solar water heating system shall be valved to provide for shut-off from the service water supply without interrupting normal cold water service to the residence (see §509.A of this code and apply).

2. Freeze Protection. Solar water heating system components shall be protected from damage resulting by freezing of heat transfer liquids at the lowest ambient temperatures that will be encountered during the operation of the system.

a. Solar water heating systems, where the design requires piping to be drained to protect the system from freezing, or where the heat transfer fluid must be replaced as part of regular maintenance, shall have all piping pitched toward a designated point in the system to accomplish the intended purpose.

3. Temperature and Pressure. Solar water heating system components (i.e., solar collector, storage tank, heat exchanger, piping) containing pressurized fluids shall be protected against pressures and temperatures exceeding design limitations with a properly installed temperature and pressure (T and P) relief valve. Each section of the system in which excessive temperatures and pressures are capable of developing shall have a T and P relief valve located so that a section cannot be valved off or otherwise isolated from protection by a properly installed a T and P relief valve.

a. Relief valves and its discharge piping and appurtenances shall meet the requirements listed in §§511.E through 511.H.5 of this code.

b. Vacuum relief valves shall be installed at the high point of the solar system for drain back systems unless specifically not required by the system design.

4. Thermal Contraction and Expansion. The solar water heating system design, components and subassemblies shall include adequate provisions for the thermal contraction and expansion of heat transfer fluids and system components that will occur over the design temperature range.

a. Provisions for thermal contraction and expansion within the potable water system shall be installed in accordance with the requirements of §623.D of this code, as it relates to the water being heated for consumer use.

5. Solar Collectors. Collectors that are manufactured as a complete component shall be listed by a recognized third party listing agency. Collectors shall be listed and labeled to show the manufacturer's name, model number, serial number, collector weight, collector maximum allowable temperatures and pressures, and the type of heat transfer fluids that are compatible with the collector. The label shall clarify that these specifications apply only to the collector.

a. Valves shall be installed to allow the solar collectors to be isolated from the remainder of the solar water heating system. Each isolation valve shall be labeled with the open and closed position.

b. Collectors shall be anchored to roof structures or other surfaces in a manner to resist wind, snow, or seismic loadings in compliance with the applicable(s) codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session. Anchors secured to and through a roofing material shall be made in a manner to maintain the water integrity of the roof covering. Roof drainage shall not be impaired by the installation of collectors. Collector panels that are not an integral part of the roofing system shall be installed in a manner so as to preserve the integrity of the roof surface.

6. Heat Exchangers. Heat exchangers used for potable water heating shall protect the potable water system from being contaminated by the heat transfer fluid.

a. Heat exchangers that are of double-walled construction shall be utilized that separate the potable water from the heat transfer fluid by providing a space between the two walls that is vented to the atmosphere. The heat exchanger design shall be such that any failure of a barrier material shall allow the discharge of exchanger fluid and/or potable water to the atmosphere. The discharge location shall be visible to the operator or owner of the system and be located so that no hazards are created by such discharge.

b. Single-walled heat exchangers are prohibited.

7. Heat Transfer Fluid. Heat transfer fluid shall be compatible with all materials in the system. The flash point of the actual heat transfer fluid utilized in a solar water heating system shall be not less than 50°F (10°C) above the design maximum stagnation (no-flow) temperature of the fluid attained in the collector.

a. Only non-toxic fluids shall be utilized as the heat transfer fluid, including additives, such as anti-freeze agents, conditioners, or corrosion inhibitors.

8. Storage or Heat Exchanger Tank Construction. All tanks shall be tested and listed by an approved agency.

Pressurized thermal storage units shall be listed and labeled to show the manufacturer's name, model number, serial number, storage unit maximum and minimum allowable operating temperatures and pressures, and the type of heat transfer fluids that are compatible with the storage unit. The label shall clarify that these specifications apply only to the thermal storage unit.

a. Tank covers shall be structurally designed to withstand all anticipated loads and pressures.

b. All devices attached to or within the tank shall be accessible for repair and replacement.

9. Auxiliary Heating System. Auxiliary water heating equipment shall be provided such that the combined system (i.e., solar water heating system and the auxiliary water heating equipment) will provide the same degree of reliability and performance as a conventional water heating system.

a. Auxiliary (non-solar) water heating equipment shall be compatible with the solar system heat output, temperatures, flow rates and fluid types. Auxiliary water heating equipment shall be listed and labeled by a recognized third party listing agency.

b. The piping system shall be provided with valves which can be closed for the purpose of isolating the solar hot water heating system from the auxiliary water heater, thereby permitting operation of the auxiliary water heating system when the solar water heating system is inoperative or being serviced.

c. Auxiliary water heaters shall meet all applicable requirements set forth in this Chapter.

E. Potable Water Supply. The potable water supply shall be protected from an actual or potential cross connection to any nonpotable water piping by having any nonpotable water piping (e.g., heat transfer fluid piping) color coded/identified in accordance with §607 of this code.

F. Materials. Subject to any additional limitations below, all plumbing used in the solar water heating system including, but not limited to the collector loop, shall consist of the water distribution pipe, tubing and fittings materials specified in §619 of this code. Such materials shall comply with the standards listed in Table 603 of this code.

1. All hard-drawn copper tubing, in addition to the required incised marking, shall be marked in accordance with Sections 19.3.1 and 19.3.2 of ASTM B88-99 *Standard Specification for Seamless Copper Water Tube*. The colors shall be: Type K, green; Type L, blue. (Please note that Type M is not approved for plumbing uses in Louisiana).

2. Cast-iron fittings up to and including 2 inches in size, when used in connection with piping, shall be galvanized.

3. All malleable iron fittings shall be galvanized.

4. Flexible corrugated water heater connectors of copper or stainless steel shall be limited to 24 inches in length.

5. PEX tubing shall not be installed within the first 18 inches of piping connected to a water heater.

6. In no case shall plastic pipe including, but not limited to chlorinated polyvinyl chloride (CPVC) pipe and fittings, be used in a collector loop.

7. The piping of the collector loop shall be insulated to a minimum R-value of 2.6.

G. Testing. Testing of solar water heating systems and its components shall be performed in accordance with the following.

1. Closed Loop System. Closed loop or other type pressure systems shall be tested at one and one-half times maximum designed operating pressure. All systems shall withstand the test without leaking for a period of not less than 15 minutes.

2. Storage Tanks. Storage tanks associated with solar water heating systems shall be tested in accordance with the following.

a. Pressure type storage tanks shall be tested as prescribed in §513.G.1 of this code above.

b. Non-pressure type storage tanks shall be tested by filling it with water for a period of 24 hours prior to inspection and shall withstand the test without leaking. No tank or portion thereof shall be covered or concealed prior to approval.

H. Abandonment. Every abandoned solar water heating system or part thereof shall be physically disconnected from any remaining part of the plumbing system, drained, and plugged or capped in an approved manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2829 (November 2012).

## **Chapter 6. Water Supply and Distribution**

### **§601. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, construction, and installation of water supply and distribution systems.

B. Disinfection of Potable Water System. The plumbing official may require that a potable water system or any part thereof installed or repaired be disinfected in accordance with one of the following methods before it is placed in operation.

1. The system, or part thereof, shall be filled with a solution containing 50 ppm of available chlorine and allowed to stand 6 hours before flushing and returning to service.

2. The system, or part thereof, shall be filled with a solution containing 100 ppm of available chlorine and allowed to stand 2 hours before flushing and returning to service.

3. In the case of a potable water storage tank where it is not possible to disinfect as provided in Paragraph 1 or 2 of §601.B of this code above, the entire interior of the tank shall be swabbed with a solution containing 200 ppm of available chlorine and the solution allowed to stand 2 hours before flushing and returning to service.

4. In the case of potable water filters or similar devices, the dosage shall be determined by the plumbing official.

C. Allowance for Character of Water/Prohibition on the use of Used Piping. The material selected for water supply pipe, tubing, and fittings shall comply with the following.

1. Selection of Materials. When selecting the material and size for water supply pipe, tubing, or fittings, due consideration shall be given to the action of the water on the interior and of the soil, fill or other material on the exterior

of the pipe. No material that would produce toxic conditions in a potable water distribution system shall be used for piping, tubing or fittings. Black iron pipe and fittings are prohibited in the water supply, service and distribution system.

2. Used Piping. A piping material that has been used for other than a potable water distribution system shall not be reused in the potable water distribution system.

D. Hot Water Distribution. The hot water supply to any fixture requiring hot water shall be installed on the left side of the fixture unless otherwise specified by the manufacturer.

E. Tests. The water supply and distribution system shall be tested in accordance with §319.C of this code.

F. Water Supply Mandatory. Every building used for human occupancy or habitation in which plumbing fixtures are installed shall be provided with an ample supply of potable water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2832 (November 2012).

### §603. Materials

A. Water service pipe and fittings shall be of materials specified in 613. Water distribution pipe, tubing and fittings shall be of materials specified in §619 of this code. Materials shall comply with the standards listed in the following Table 603.

Table 603 Water Pipe and Fitting Materials	
Materials	Standards
Polyethylene/Aluminum/Polyethylene (PE-AL-PE) Composite Pressure Pipe and Fittings	ASTM F 1282
Polyethylene Plastic Pipe & Tubing (PE) Number 2305, 2306, 3306, 3406, 3408, 3608, 4710	ASTM D 2239, ASTM D 2737, Listed, See §303.H.1 of this code
Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40	ASTM D 2466
Pressure Rated ABS-Plastic Pipe Number 1210, 2112, 1316	ASTM D 1527, Listed, See §303.H.1 of this code
Pressure-rated Polypropylene (PP) Piping Systems	ASTM F 2389
Push Fit Fittings (for use on PEX tubing complying with ASTM F 876 or F877, type K and L hard drawn and annealed copper tubing complying with ASTM B 88 and CPVC tubing complying with ASTM D 2846)	ASSE 1061
PVC Injection Molded Gasketed Fittings for Pressure Applications	CAN/CSA-B137.2, Listed
PVC Plastic Pipe, Number 1120, 1220	ASTM D 1785, ASTM D 2241, Listed, See §303.H.1 of this code
PVC Plastic Pipe Fittings, Schedule 80	ASTM D 2467, Listed
PVC Plastic Pipe Fittings, 4 in. through 12 in.	AWWA C 900
Stainless Steel Clamps for Securing SDR9 Cross-linked Polyethylene (PEX) Tubing to Metal Insert and Plastic Insert Fittings	ASTM F 2098
Threaded Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, 2" and Under	ASTM F 437, Listed
<b>Ferrous Water Pipe &amp; Fittings</b>	
Cast Iron Castings for Valves, Flanges, and Pipe Fittings	ASTM A 126
Cupola Malleable Iron Fittings	ASTM A 197/A 197M
Ductile-Iron Compact Fittings for Water Service	AWWA C153, ANSI A 21.53
Ductile-Iron Pressure Pipe	ASTM A 377
Ductile-Iron Water Pipe	AWWA C 151, ANSI A 21.51
Ductile-Iron Water Fittings	AWWA C110, ANSI A 21.10
Gray Iron Threaded Fittings, Classes 125 and 250	ASME B 16.4
Malleable Iron Threaded Fittings, Classes 150 and 300	ASME B 16.3
Pipe Nipples for Welded and Seamless Carbon Steel and Austenitic Stainless Steel	ASTM A 733
Steel Couplings, Threaded and Galvanized	ASTM A 865/A 865M
Stainless Steel – Seamless, Welded, and Heavily Cold Worked Austenitic Piping (Types 304/304L & 316/316L only)	ASTM A 312/A 312M
Stainless Steel Tubing for General Service (Types 304/304L & 316/316L only)	ASTM A 269, See §303.H.3 of this code
Stainless Steel – Welded, Un-Annealed Austenitic Tubular Products (Types 304/304L & 316/316L only)	ASTM A 778
Steel Pipe, Hot-Dipped, Zinc-Coated, Welded and Seamless	ASTM A 53/A 53M
Nonferrous Pipe & Fittings Cast Bronze Threaded Fittings, Class 125 and 250	ASME B 16.15
Cast Copper Alloy Solder-Joint Pressure Fittings	ASME B 16.18
Cast Copper Alloy Fittings for Flared Copper Tube	ASME B 16.26
Cast Copper Alloy Pipe Flanges	ASME B 16.24
Pipe Flanges & Flanged Fittings	ASME B 16.5

Table 603 Water Pipe and Fitting Materials	
Materials	Standards
<b>Plastic Water Pipe and Fittings</b>	
ABS and PVC Plastic Tubular Fittings	NSF 24
Chlorinated Poly(vinyl chloride) (CPVC) Plastic Pipe Fittings, Socket-Type Schedule 40	ASTM F 438
Chlorinated Poly(vinyl chloride) (CPVC) Plastic Pipe Fittings, Schedule 80, 2" and Under	ASTM F 439, Listed
Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe, Schedule 80, 2" and Under	ASTM F 441/F 441M, Listed
Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	ASTM F 442/F 442M
Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot and Cold Water Distribution Systems	ASTM D 2846/D 2846M, Listed
Cold-Expansion Fittings With Metal Compression-Sleeves for Cross-Linked Polyethylene (PEX) Pipe	ASTM F 2080
Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-Linked Polyethylene (PEX) Tubing	ASTM F 1960
Cross-Linked Polyethylene/Aluminum/Cross-Linked Polyethylene (PEX-AL-PEX) Pressure Pipe and Fittings	ASTM F 1281
Cross-Linked Polyethylene (PEX) Plastic Hot-and Cold-Water Distribution System	ASTM F 877, Listed
Cross-Linked Polyethylene (PEX) Tubing	ASTM F 876
Cross-Linked Polyethylene (PEX) Tubing Systems for Pressure	CAN/CSA B 137.5, Listed
Flexible Elastomeric Pressure Joints	ASTM D 3139, See §313.H.1 of this code
Joints for IPS PVC Pipe Using Solvent Cement	ASTM D 2672
Metal Insert Fittings Utilizing a Copper Crimp Ring for SDR9 Cross-linked Polyethylene (PEX) Tubing	ASTM F 180
Plastic Insert Fittings Utilizing a Copper Crimp Ring for SDR9 Cross-linked Polyethylene (PEX) Tubing	ASTM F 2159

Table 603 Water Pipe and Fitting Materials	
Materials	Standards
Pipe Nipples for Brass and Copper	ASTM B 687
Push Fit Fittings (for use on PEX tubing complying with ASTM F 876 or F877, type K and L hard drawn and annealed copper tubing complying with ASTM B 88 and CPVC tubing complying with ASTM D 2846)	ASSE 1061
Seamless Brass Tube	ASTM B 135/B 135M
Seamless Copper Pipe	ASTM B 42
Seamless Copper Tube	ASTM B 75
Seamless Copper Water Tube (Types K & L only)	ASTM B 88
Seamless Red Brass Pipe	ASTM B 43
Threadless Copper Pipe (TP)	ASTM B 302
Welded Brass Tube	ASTM B 587
Welded Copper Tube	ASTM B 447
Wrought-Copper and Copper Alloy Solder-Joint Pressure Fittings	ASME B 16.22, For Copper Water Tube
Wrought Seamless Copper and Copper-Alloy Tube	ASTM B 251
Valves-Flanged Threaded, and Welding End	ASME B 16.34

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2833 (November 2012).

#### §605. Quality of Water Supply

A. Potable Water. Potable water shall be used for drinking, culinary, and domestic purposes.

B. Acceptable Sources. Where a public supply of potable water is not available, requirements satisfactory to the governing authority shall be observed.

C. Nonpotable Water. Nonpotable water shall not be supplied to any fixture customarily classified a plumbing fixture and may only be used to supply industrial equipment or other appliances which do not require a potable supply of water and provided such nonpotable water shall not be accessible for drinking, culinary or bathing purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2834 (November 2012).

#### §607. Identification of Nonpotable Water

A. Color Code Identification. Piping and outlets conveying nonpotable water shall be adequately and durably identified by a distinctive yellow-colored paint so that it is readily distinguished from piping carrying potable water.

1. Exception. Reclaimed Water. Where reclaimed water is piped or used, piping and outlets conveying this particular type of nonpotable water shall be adequately and durably identified by a distinctive purple-colored paint (or, in lieu of paint, the purple color may be manufactured integral to the pipe) so that it is readily distinguished from piping carrying potable water. The color standard and color tolerances of the required purple-color should meet the American Public Works Association's Uniform Color Code, i.e., Pantone Matching System 253, which is further specified in ANSI Z535.1-2006 (R2011) and identified in the ANSI Z535-2011 color chart.)

2. In those instances when it is not feasible to paint the entire length of the nonpotable water pipe, each nonpotable pipe shall be minimally identified with the words "caution: nonpotable water, - do not drink" in black lettering on a band of yellow-colored paint as background to designate that the liquid being conveyed therein is nonpotable. Such identification shall not be concealed by pipe insulation and when insulated the insulation shall be painted the same color as is required for the pipe. Maintenance of all identification shall be the responsibility of the owner. This identification shall be done in accordance with ASME A 13.1. The minimum size of the black letters and the length of the yellow-colored paint field shall conform to the requirements in Table 607.A.2 of this code.

Table 607.A.2 Minimum Length of Color Field and Size of Letters		
Outside Diameter of Pipe or Covering (Inches)	Minimum Length of Color Field (Inches)	Minimum Size of Letters (Inches)
1/2 to 1 1/4	8	1/2
1 1/2 to 2	8	3/4
2 1/2 to 6	12	1 1/4
8 to 10	24	2 1/2
Over 10	32	3 1/2

3. Within and about buildings and structures, a visible colored identification band shall be provided every 20 feet (6096 mm) but at least once per room, and the wording shall be visible in the normal line of vision from floor level. On straight pipe runs, the visible identification band shall be at intervals sufficient for identification. Arrows shall be used to indicate the direction of normal flow.

4. It is expressly understood that fire protection piping systems, downstream of the backflow preventer, is not considered plumbing, as per the definition of plumbing in Section 203 of this code. Nothing herein shall be construed to prevent, for example, fire protection piping from being painted a red color with white lettering. Likewise, other color combinations may be used for other specific applications in accord with ASME A 13.1.

B. Contents Identification. Where any type of nonpotable water is used, all valves, branch fittings and branch terminals shall be minimally identified by the words "caution: nonpotable water, - do not drink" in black lettering on a yellow background. This identification shall be done in accordance with ASME A 13.1. Besides the caution statement, the contents (i.e., the specific nonpotable liquid) may also be identified on the legend.

C. Overall Exception to this Section (§607 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§607 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized

backflow certification organization approved by the state health officer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2399, R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2834 (November 2012).

**§609. Protection of Potable Water Supply**

A. Backflow and Back-Siphonage. The potable water supply including, but not limited to, the water supply system, the water service pipe, and the water distribution system shall be protected from backflow and back-siphonage in conformance with the following.

1. Backflow. The potable water supply including, but not limited to, the water supply system, the water service pipe, and the water distribution system shall be protected against backflow. Every water outlet shall be protected from backflow, preferably by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a "minimum required air gap (water distribution)" as defined in ASME A 112.1.2. Where it is not possible to provide a minimum air gap (water distribution), the water outlet shall be equipped with an accessible backflow preventer complying with §609.B of this code.

2. Back-Siphonage. Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be so located as to make possible their submergence in any contaminated or polluted liquid or substance.

B. Approval of Devices. Devices for the prevention of backflow or back-siphoning shall comply with the standards listed in Table 609 of this code below. Devices installed in a potable water supply for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices. The plumbing official (or, for containment devices, the water supplier) may inspect such devices and, if they are found to be defective, inoperative, or the wrong application for the cross connection or potential cross connection involved, shall require the repair and/or replacement thereof. Any repair or replacement of a device shall require testing as required under §609.F.9.c of this code.

Table 609 Backflow Prevention Devices	
Materials	Standards
Air Gap Standards	ASME A112.1.2
Backflow Preventers for Beverage Dispensing Equipment	ASSE 1022
Backflow Preventers, Double Check Valve Assembly	ASSE 1015, AWWA C510
Backflow Preventers, Laboratory Faucet	ASSE 1035
Backflow Preventers with Intermediate Atmospheric Vent	ASSE 1012
Backflow Preventers, Double Check Detector Fire Protection Backflow Prevention Assemblies	ASSE 1048
Backflow Preventers, Hose Connection	ASSE 1052
Backflow Preventers, Reduced Pressure Detector Fire Protection Assemblies	ASSE 1047
Backflow Preventers, Reduced Pressure Principle Assembly	ASSE 1013, AWWA C511

Table 609 Backflow Prevention Devices	
Materials	Standards
Field Test Procedures for Backflow Preventer Assemblies	ASSE Series 5000
Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices	CAN/CSA-B64.10
Vacuum Breakers, Anti-Siphon, Pressure Type Assembly (Outdoor Use)	ASSE 1020
Vacuum Breakers-Atmospheric Type	ASSE 1001
Vacuum Breakers (Spill Resistant)	ASSE 1056
Vacuum Breakers, Hose Connection	ASSE 1011
Vacuum Breaker Wall Hydrants, Freeze Resistant Automatic Draining	ASSE 1019
Water Closet Anti-Siphon Fill Valves (Ballcocks)	ASSE 1002

C. Where Required. The following are certain instances wherein backflow prevention devices are required. This list shall not be construed as all instances where a backflow prevention device is required.

1. Flushometer. Flushometer valves shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least 4 inches (102 mm) above the overflow rim of the bowl. Flushometer tanks shall be provided with an approved backflow prevention device installed above the flood-level rim of the fixture.

2. Flush Tanks. Flush tanks shall be equipped with an approved ballcock. The ballcock shall be installed with the critical level of the vacuum breaker at least 1-inch (25.4 mm) above the full opening of the overflow pipe. In cases where the ballcock has no hush tube, the bottom of the water supply inlet shall be installed at least 1-inch (25.4 mm) above the full opening of the overflow pipe. A sheathed ballcock shall be installed on all gravity flush tanks in which the flush valve seat is less than 1-inch (25.4 mm) above the flood-level rim of the bowl.

3. Lawn Sprinklers and Irrigation Piping System. Lawn sprinkler systems and irrigation piping systems shall be equipped with an approved backflow preventer to protect against contamination of the potable water system. The following devices shall be acceptable.

a. Anti-siphon vacuum breakers, reduced pressure zone backflow preventers, and pressure type vacuum breakers equipped with gate or ball valves and test cocks. See §609.F of this code for acceptable types based upon the application.

b. Atmospheric type vacuum breakers shall be installed downstream of the last control valve at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping and the highest sprinkler head).

c. All protective devices shall be installed in an accessible location to allow for inspection and maintenance and to isolate the sprinkler system from all other piping in the system.

d. Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head).

4. Fixture Valve Outlets with Hose Attachments, Hose Bibbs and Lawn Hydrants. Fixture valve outlets with hose attachments, hose bibbs, and lawn hydrants shall comply with the following.

a. Fixture valve outlets with hose attachments, hose bibbs and lawn hydrants shall be protected against backflow by an air gap (water distribution), a vacuum breaker or other approved back-siphonage backflow preventer on the discharge side of the valve. Back-siphonage backflow preventers may be installed directly on hose outlet connection threads. Vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage.

i. Exception. Water heater drains, boiler drains and washing machine connections shall not be required to be fitted with backflow prevention devices.

b. In areas subject to temperatures of 32°F (0°C) or below, all hose bibb vacuum breakers shall be of such design that the hydrant may be drained without removing the backflow preventer from the hydrant. Regardless of area temperature, hose bibb vacuum breakers shall be designed and installed to prevent total removal from the hose bibb after installation in accordance with the provisions of this code and the manufacturer's instructions.

5. Water Supply to Steam and Hot Water Heating Boilers, Heat Exchangers, Chilled Water Systems, etc. A backflow preventer device which will automatically vent to the atmosphere shall be installed in the water supply line to all steam and hot water space heating boilers, heat exchangers, chilled water systems and similar devices being supplied from the potable water system. Such devices shall prevent back-siphonage and backflow from the heating system into the potable supply lines should the supply pressure fall below the pressure in the heating system. Such devices shall meet the requirements of ASSE 1012 or 1013 and shall bear such identification as is required by the applicable standard. See §609.F of this code for acceptable types based upon the application.

6. Connections to automatic fire sprinkler systems shall be required to meet the minimum requirements as referenced in §609.F of this code.

7. Handheld Showers and Pull-out Spout Type Faucets. Handheld showers and pull-out spout type faucets with integral backflow protection shall comply with ASME A112.18.1, CSA B125.1, or ASME A112.18.3; or, in lieu thereof, shall require a dedicated deck or wall mounted vacuum breaker.

8. Portable Cleaning Equipment. Where the portable cleaning equipment connects to the water distribution system, the water distribution system shall be protected against backflow with an air gap (water distribution), an atmospheric type vacuum breaker, a pressure type vacuum breaker or a reduced pressure principle backflow preventer. See §609.F of this code for acceptable types based upon the application.

9. Chemical Dispensers. Where chemical dispensers connect to the water distribution system, the water distribution system shall be protected against backflow with an air gap (water distribution), an atmospheric type vacuum breaker, a pressure type vacuum breaker or a reduced pressure principle backflow preventer. See §609.F of this code for acceptable types based upon the application.

10. Dental Pump Equipment. Where dental pumping equipment connects to the water distribution system, the water distribution system shall be protected against backflow with an air gap (water distribution), an atmospheric type vacuum breaker, a pressure type vacuum breaker or a reduced pressure principle backflow preventer. See §609.F of this code for acceptable types based upon the application.

D. Backflow Preventer Installation. Backflow preventers shall be installed in accord with the following.

1. Reduced pressure zone (RPZ) type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade<sub>(G)</sub> (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

a. RPZ type backflow preventers and other types of backflow preventers having an atmospheric discharge port (e.g., backflow preventer with intermediate atmospheric vent) shall be installed such that the lowest point of the atmospheric discharge port's opening shall be a minimum of 12 inches above grade<sub>(G)</sub> or platform. When RPZ type backflow preventers and other types of backflow preventers with an atmospheric discharge port (e.g., backflow preventer with intermediate atmospheric vent) are installed in flood-prone areas, the lowest point of the atmospheric discharge port's opening should be installed at least 2-feet above the highest flood level which may have occurred in 10-year period, but in no case less than 2-feet above grade<sub>(G)</sub>.

b. For the purpose of maintenance, double check valve assembly type backflow preventers shall be installed a minimum of 12 inches above grade<sub>(G)</sub> or platform.

2. Pipe-applied atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Pipe-applied pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Approved deck-mounted vacuum breakers and vacuum breakers within equipment, machinery and fixtures, whether of the atmospheric or spill-proof pressure type, where the critical level is a fixed distance above the potential source of contamination, shall be installed not less than 1-inch (25.4 mm) above the flood-level rim of the fixture receptor device served or source of contamination.

3. Access, Clearance, and Platform. Backflow preventer assemblies shall be installed in an accessible location to provide for the required testing, maintenance and repair. A minimum of 1-foot of clearance shall be provided between the lowest portion of the assembly and grade<sub>(g)</sub> or platform. Elevated installations exceeding 5-feet above grade<sub>(g)</sub> shall be provided with a suitably located permanent platform capable of supporting the general tester, licensed plumber, or any other person authorized in accordance with §§609.F.8 and 609.F.9 of this code to test or repair the assembly.

E. Reduced Pressure Zone Backflow Preventers. Reduced pressure zone backflow applications subject to

periodic no flow conditions should include a single soft seated spring loaded check valve located immediately upstream of the backflow prevention device to prevent periodic relief valve activation caused by fluctuating supply pressures.

F. Additional Requirements to Protect the Potable Water Supply [formerly Appendix D - Cross Connection Control]. The following are additional, more specific requirements for the protection of the potable water supply including, but not limited to, the water supply system, the water service pipe, and the water distribution system. For other rules and regulations regarding potable water supply protection, see Part XII (Water Supplies) of the State Sanitary Code of Louisiana (LAC 51:XII).

1. Purpose. The purpose of this Subsection is to provide for the protection of the public from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or back-siphon into a potable water supply; to promote the elimination or control of existing cross-connections, actual or potential, between potable water supplies and non-potable systems/sources; and to promote the maintenance of a continuing program of cross-connection control in the State of Louisiana.

2. Definitions. Definitions contained in Chapter 2 shall also apply to this Subsection except where the following special definitions shall apply.

*Air Gap (Water Distribution)*—in a *water supply system* and/or a *water distribution system*, the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, *plumbing fixture*, or other device and the *flood-level rim* of the receptacle.

*Atmospheric Vacuum Breaker*—a device which prevents *back-siphonage backflow* by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a *water supply system* and/or *water distribution system*.

*Backflow*—the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable *water supply system* and/or *water distribution system* from any source other than its intended source. See *Back-Pressure Backflow* and *Back-Siphonage Backflow*.

*Back-Pressure Backflow*—a condition which occurs when the downstream pressure is higher than the supply pressure causing a reversal of the normal direction of flow.

*Backflow Preventer*—a mechanical device which prevents *backflow* of contaminants and pollutants into a potable water supply or distribution system by means of positive check members in addition to atmospheric ports.

*Backflow Prevention Assembly*—a testable *backflow preventer* which comes assembled from the manufacturer as a complete unit having approved test cocks with shut off valves installed on both the inlet and outlet sides of the *backflow preventer*.

*Backflow Prevention Device*—a non-testable backflow preventer.

*Back-Siphonage Backflow*—a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the *backflow* source subject to atmospheric pressure.

*Barometric Loop*—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest

*fixture* it supplies. It is utilized in water supply and distribution systems to protect against *back-siphonage backflow*.

*By-Pass*—any system of piping or other arrangement whereby the water may be diverted around any part or portion of a *water supply system*, *water distribution system* or water treatment facility including, but not limited to, around an installed *backflow preventer*.

*Commercial Dishwasher*—a mechanical dishwasher that is used in other than domestic applications.

*Containment*—a method of *backflow* prevention which requires a *backflow* prevention device or method on the *water service pipe* to isolate the customer from the *water main*.

*Contamination*—the introduction into water of microorganisms, chemicals, toxic substances, wastes or wastewater that makes the water unfit for its intended use.

*Cross Connection*—any connection or arrangement by means of which contaminants of any kind can be caused to enter the potable *water supply system* or *water distribution system*.

*Degree of Hazard*—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

*Double Check Valve Assembly*—an assembly of 2 independently operating spring loaded check valves, with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

*Double Check Valve with Intermediate Atmospheric Vent*—a device having two spring loaded check valves separated by an atmospheric vent chamber.

*Dual Check Valve*—two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

*Fixture Isolation*—a method of backflow prevention in which a *backflow preventer* is located to correct a *cross-connection* at a fixture located within the premise itself [rather than locating a *backflow preventer* on the *water service pipe* (as is done under *containment*)].

*Hose Bibb Vacuum Breaker*—a device which is permanently attached to a hose bibb and which acts as an *atmospheric vacuum breaker*.

*Human Consumption*—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

*Master Meter*—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

*Potable Water*—water having bacteriological, physical, radiological and chemical qualities that make it safe and suitable for human consumption.

*Potable Water Supply*—a publicly owned or privately owned *water supply system* which purveys *potable water*.

*Pressure Vacuum Breaker*—a device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. The



device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

*Public Water System*—a particular type of *water supply system* intended to provide *potable water* to the public having at least fifteen *service connections* or regularly serving an average of at least twenty-five individuals daily at least sixty days out of the year.

*Reduced Pressure Principle Backflow Preventer*—an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and relief valve.

*Service Connection*—water service pipe.

*Water Service Pipe*—the pipe from the *water main* and/or water meter, *water supply system* or other approved source of water supply, to the building or structure served.

*Water Supplier*—a *person* who owns or operates a *water supply system* including, but not limited to, a *person* who owns or operates a *public water system*.

*Water Supply System*—the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it *potable* (if necessary) and then distributed (with or without charge) for human consumption or other use.

3. Air Gaps (Water Distribution). The provision of air gaps (water distribution) shall be required for backflow prevention in any and all cases where such a measure is the most practical that can be employed. The "minimum required air gap (water distribution)" shall be in accord with ASME A 112.1.2.<sup>1</sup>

<sup>1</sup>For informational purposes only, ASME A 112.1.2 generally requires a minimum required air gap equal to two times the effective opening (or 3 times the effective opening if affected by a nearby wall). Compliance shall be strictly determined by the provisions contained within the standard itself.

4. Responsibility of Water Suppliers. As required by LAC 51:XII.344, each water supplier shall protect the water produced and distributed by its water supply system from potential contamination by ensuring compliance with the containment practices and maintenance/field testing requirements prescribed by this Part or as otherwise directed by the state health officer.

5. Containment Practices. Backflow prevention methods or devices shall be utilized as directed by the water supplier or plumbing official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (e.g., the piping downstream of the water meter, if provided).

a. As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.

Table 609.F.5 (Containment)	
<b>Air Gap</b>	
1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water	
<b>Reduced Pressure Principle Backflow Prevention Assembly</b>	
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics	
2. Funeral Homes, Mortuaries	
3. Car Wash Systems	
4. Sewage Facilities	
5. Chemical or Petroleum Processing Plants	
6. Animal/Poultry Feedlots or Brooding Facilities	
7. Meat Processing Plants	
8. Meat Plating Plants	
9. Food Processing Plants, Beverage Processing Plants	
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is recommended on unmetered fire lines)	
11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection	
12. Marinas/Docks	
13. Radiator Shops	
14. Commercial Pesticide/Herbicide Application	
15. Photo/X-ray/Film Processing Laboratories	
16. Multiple Commercial Units served by a master meter	
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium	
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge	
19. Premises where access/entry is prohibited	
<b>Pressure Vacuum Breaker Assembly/ Spill Resistant Vacuum Breaker Assembly</b>	
1. Irrigation/Lawn Sprinkler Systems	
<b>Double Check Valve Assembly</b>	
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is recommended on unmetered fire lines)	
2. Multiple Residential Dwelling Units served by a master meter	
3. Multistoried Office/Commercial Buildings (over 3 floors)	
4. Jails, Prisons, and Other Places of Detention or Incarceration	

b. Other Containment Practices - Table 609.F.5 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 609.F.5 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:

- i. as directed by the plumbing official; or
- ii. as directed by the water supplier.

c. In cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.

6. Fixture Isolation Practices. Water supply system customers shall provide and maintain backflow prevention methods or devices as directed by the plumbing official within that part of the water system owned and maintained by the customer (e.g., the piping downstream of the water

meter, if provided, or downstream from any containment device) to protect the on-site users of the water system against potential contamination due to backflow.

a. As a minimum, the following types of backflow prevention devices, assemblies or methods shall be employed as appropriate for the following points of usage.

<b>Table 609.F.6<sup>1</sup> (Fixture Isolation)</b>	
<b>Air Gap</b>	
1. Cooling Towers	
2. Chemical Tanks.	
3. Commercial Dishwashers in commercial establishments	
4. Ornamental Fountains	
5. Swimming Pools, Spas, Hot Tubs (reduced pressure principle backflow preventer also acceptable)	
6. Baptismal Fonts	
7. Animal Watering Troughs	
8. Agricultural Chemical Mixing Tanks	
9. Water Hauling Tanks	
<b>Reduced Pressure Principle Backflow Preventers</b>	
1. Commercial Boilers	
2. Air Conditioning, Chilled Water Systems	
3. Air Conditioning, Condenser Water Systems	
4. Pot-type Chemical Feeders	
5. Swimming Pools, Spas, Hot Tubs (air gap also acceptable)	
6. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection	
7. Photo/X-ray/Film Processing Equipment	
8. Single-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium	
9. Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge	
10. Room(s) or other sub-units of a premise or facility receiving water where access is prohibited	
<b>Double Check Valve Assembly</b>	
1. Food Processing Steam Kettles	
2. Individual Travel Trailer Sites	
3. Single-walled Heat Exchangers which do not use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium	
4. Double-walled Heat Exchangers which do not use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge	
<b>Atmospheric or Pressure Vacuum Breakers</b>	
1. Laboratory and/or Medical Aspirators	
2. Flushing Rim Bedpan Washers	
3. Garbage Can Washers	
4. Laboratory or Other Sinks with threaded or serrated nozzles	
5. Flushometer Operated Fixtures	
6. Commercial Washing Machines	
7. Irrigation/Lawn Sprinkler Systems	
8. Hose Bibbs	
9. Commercial Dishwashers in commercial establishments	
<b>Pressure Vacuum Breakers/Spill Resistant Vacuum Breakers</b>	
1. Mortuary/Embalming Aspirators	
2. Irrigation/Lawn Sprinkler Systems with Separate Zones	

**NOTES:**

1. See Tables 1307.E and 1307.F of this code for fixture isolation practices in hospital plumbing systems.

b. Other Fixture Isolation Practices - Table 609.F.6 of this code above is not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10 – 1994.

c. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 609.F.6 of this code above or Table B1 of CAN/CSA B64.10 – 1994, backflow prevention methods or devices shall be utilized as directed by the plumbing official.

d. In cases of a discrepancy regarding the particular backflow prevention device or method required, the device offering the higher level of protection shall be installed. In contested cases, the co-state plumbing official (i.e., the state health officer) shall be consulted to issue a ruling on the particular backflow prevention device or method required, if any.

7. Bypasses. All bypasses shall have the same level of backflow protection as the main water supply line.

8. Installation/Repair. Backflow preventers shall be installed and/or repaired by a State Plumbing Board of Louisiana (SPBLA)-licensed plumber who holds a SPBLA water supply protection specialist endorsement on his/her plumbing license pursuant to LSA - R.S. 37:1361 et seq. and its implementing regulations (LAC 46:LV.101 et seq.); or, for those backflow preventers located on public property or otherwise under the complete control of the water supplier (e.g., water meter and the piping upstream of the water meter, if provided), by a Backflow Prevention Assembly Repairer who meets the ASSE 5130 Professional Qualification Standard or other individuals holding a backflow prevention assembly repairer certificate from a nationally recognized backflow certification organization approved by the state health officer. Backflow preventers associated with a landscape irrigation system may be installed, tested, and repaired by a Horticulture Commission of Louisiana-licensed landscape irrigation contractor who holds a SPBLA-issued special water supply protection specialist endorsement in accord with R.S. 3:3808.P.

9. Maintenance/Field Testing. Backflow prevention assemblies and methods shall be checked and field tested by a Backflow Prevention Assembly Tester who meets ASSE 5110 Professional Qualification Standard, or other individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the state health officer. Testing procedures shall be in accord with the requirements of §319.F of this code.

a. Types of Backflow Preventers to be Field Tested. The following types of backflow prevention assemblies and methods shall be checked and field tested in accordance with the frequency established in §609.F.9.c of this code:

- i. double check valve assemblies;
- ii. reduced pressure principle backflow prevention assemblies;
- iii. pressure vacuum breakers;
- iv. spill resistant vacuum breakers;
- v. air gaps (water distribution) on high hazard applications; and,
- vi. other backflow prevention devices as specified by the plumbing official or water supplier.

NOTE: It is recommended that other types of backflow prevention devices not listed here be visually checked periodically.

b. Any backflow preventer in §609.F.9.a of this code which is found defective shall be repaired by an

individual meeting the qualifications specified in §609.F.8 of this code.

c. Frequency of Field Testing. The backflow prevention assemblies and methods specified in §609.F.9.a of this code shall be field tested:

- i. upon installation;
- ii. when cleaned, repaired, or overhauled;
- iii. when relocated;
- iv. annually;
- v. as required by the plumbing official; and,
- vi. as required by the water supplier for assemblies

or methods providing containment protection for their water supply system.

d. Owner Responsibilities. The owner of the backflow prevention assemblies shall comply with the following:

i. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in §609.F.9.c of this code and that devices which are found defective are repaired or replaced in accordance with §609.F.9.b of this code.

ii. The owner shall notify the plumbing official, and/or water supplier in advance when the tests are to be undertaken so that the plumbing official and/or water supplier may witness the tests if so desired.

iii. Upon completion, the owner of a containment assembly or method (see §609.F.5 of this code) shall provide records of such tests, repairs, overhauls, or replacements to the water supplier. Upon completion, the owner of a fixture isolation device, assembly, or method (see §609.F.6 of this code) shall provide records of such tests, repairs, overhauls, or replacements to the plumbing official. In addition, all records shall be kept by the owner of the backflow prevention device or method for at least 5 years and, upon specific request, shall be made available to the plumbing official, water supplier, and/or the state health officer.

iv. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2835 (November 2012).

**§611. Sizing of Water Distribution System**

A. Minimum Sizes. The sizing of the water distribution system shall conform to good engineering practice (e.g., see §1805, Appendix B of this code). See §611.C of this code for the minimum required size of fixture branches and individual manifold distribution lines. See §611.D of this code for the minimum required size of fixture supplies and §611.E of this code for the minimum pressure required at fixture outlets.

B. Calculation of Sizes. When required by the plumbing official, the sizing of the water distribution system shall be calculated by a registered mechanical engineer or other acceptable authority.

C. Size of Fixture Branches and Manifold Individual Distribution Lines. The minimum size of fixture branches or manifold individual distribution lines shall be in accordance with the following Table 611.

Table 611 Minimum Size of Fixture Branches and Individual Manifold Distribution Lines		
Type of Fixture or Device	Fixture Branch Pipe Size (in.)	Individual Manifold Distribution Line Size (in.)
Bathtubs (60" x 32" and smaller)	1/2	1/2
Bathtubs (Larger than 60" x 32")	1/2	1/2
Combination Sink and Tray	1/2	1/2
Drinking Fountain	1/2	1/2
Dishwasher (Domestic)	1/2	1/2
Kitchen Sink, Residential	1/2	1/2
Kitchen Sink, Commercial	3/4	3/4
Lavatory	1/2	1/2
Laundry Tray 1, 2, or 3 Compartments	1/2	1/2 (1 Tray)
Wall Hydrants	1/2	1/2
Shower (Single Head)	1/2	1/2
Sinks (Service, Slop)	1/2	1/2
Sinks Flushing Rim	3/4	3/4
Urinal (Flush Tank)	1/2	1/2
Urinal (Direct Flush Valve)	3/4	3/4
Water Closet (Flushometer Valve Type)	1	1
Water Closet (Gravity or Flushometer Tank Type)	1/2	1/2
Hose Bibbs	1/2	1/2

1. For fixtures not listed in Table 611 of this code above, the minimum fixture branch or manifold individual distribution line may be made the same as for a comparable fixture.

D. Size of Fixture Supply. The fixture supply piping, tubing, or flexible connector shall be sized in accordance with the fixture manufacturer's recommendations but in no case shall the size interfere with the minimum fixture outlet discharge pressure requirements specified in §611.E of this code.

E. Minimum Pressure. Minimum fairly constant service pressure at the point of outlet discharge shall be not less than 8 psi (55.2 kPa) flowing for all fixtures except for direct flush valves, for which it shall be not less than 15 psi (103 kPa) flowing, and except where special equipment is used requiring higher pressure. In determining the minimum pressure, allowance shall be made for the pressure drop due to friction loss in the piping system during maximum demand periods as well as head, meter, and other losses in the system.

F. Auxiliary Pressure, Supplementary Tanks. If the residual pressure in the system is below the minimum allowable at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or automatically controlled pump or gravity tank of sufficient capacity shall be installed. Its capacity shall be sufficient to supply sections of the building installation which are too high to be supplied directly from the water main.

G. Low Pressure Cutoff. When a booster pump is used on an auxiliary pressure system, there shall be installed a low-pressure (<15 psi gauge) cutoff on the booster pump to prevent the creation of negative pressures on the suction side

of the water system. Other arrangements may be used if found adequate and if approved by the plumbing official.

1. Exception. In the case of fire pumps whose source of water is a potable water system, in lieu of a low-pressure cutoff, a low-suction throttling valve may be installed to sense the pressure in the water supply and automatically send a signal to a valve on the discharge side of the pump. This valve will not close all the way and it will not cutoff the fire pump, but it will modulate (open and close) to throttle back the discharge in an attempt to maintain a relatively constant pressure at the sensing location on the suction side of the pump. This allows the fire pump to keep sending water to the fire while the water supply pressure on the suction side of the pump recovers. Use of this valve protects against negative pressures being created in the potable water main when an uncontrolled fire pump is used. The valve body is to be located in between the pump discharge and discharge check valve with the sensing line connected to the suction side of the pump. The valve shall be set to prevent suction pressure from dropping below 15 psi.

H. Variable Street Pressures. When the street main has a wide fluctuation in pressure, the water distribution system shall be designed for minimum pressure available.

I. Hazard and Noise. Where water pressures are excessive or where required to eliminate water hammer or when deemed necessary by local authorities, approved engineered water hammer arresters or calculated air chambers shall be provided to safeguard the water distribution system against destructive water hammer hazard and noise.

1. Approved engineered mechanical water hammer arresters shall be sized and installed in accordance with PDI-WH201 or ASSE 1010. Where line water pressure exceeds 65 psi (448 kPa) in a water distribution system, the next larger size approved water hammer arrester shall be used. When water pressure exceeds 80 psi (552 kPa), a water pressure reducing valve shall be installed in accordance with §611.J of this code. Any approved engineered mechanical water hammer arrester shall have been tested by a recognized testing laboratory and certified to meet the requirements of the above standard.

2. Where calculated air chambers are installed, they shall be in an accessible place and each air chamber shall be provided with an accessible means for restoring the air in the event the chamber becomes waterlogged.

J. Water Pressure Reducing Valve or Regulators. The following shall apply relative to water pressure reducing valves or regulators.

1. Where water pressure within a building exceeds 80 psi (552 kPa) static, an approved water pressure regulator conforming to ASSE 1003 with strainer shall be installed to reduce the pressure in the building water distribution piping to 80 psi (552 kPa) static or less, whichever is consistent with good engineering practice. Exceptions to this requirement are service lines to sill cocks and outside hydrants, and main supply risers in tall buildings where pressure from the mains is reduced to 80 psi (552 kPa) or less at the fixture branches or at individual fixtures.

2. The delivery pressure variation shall not exceed 1 psi (6.895 kPa) for every 10 psi (69 kPa) pressure change in the inlet pressure. The reduced pressure fall-off from its no-flow setting shall not exceed 17 psi (117 kPa), and with a

difference at this point of 50 psi (345 kPa) between the initial and this reduced flow pressure of 50 psi (345 kPa), the capacity shall be not less than that shown in Table 611.J of this code below.

Table 611.J Minimum Capacity Based on Pipe Size						
Nominal Pipe Size (in.)	1/2	3/4	1	1 1/4	1 1/2	2
Average velocity through pipe (ft/s)	10.5	10.0	9.5	9.0	8.5	7.5
Flow(gpm)	9.95	16.65	25.0	42.0	54.8	77.5

3. An integral bypass check valve shall be capable of opening to permit a reverse flow of water through the reducing valve to prevent a buildup of system pressure by thermal expansion of the water with an increase of reduced pressure not exceeding 2 psi (13.8 kPa) above the prevailing initial pressure.

4. The valve shall be designed to remain open to permit uninterrupted water flow in case of valve failure.

5. All regulators and strainers must be so constructed and installed as to permit repair or removal of parts without breaking a pipeline or removing the valve and strainer from the pipeline.

6. Approved valves shall comply with ASSE 1003.

K. Manifold Water Distribution Systems. Manifold water distribution systems shall comply with the following.

1. Hot water and cold water manifolds shall be sized according to Table 611.K of this code below.

Table 611.K Maximum Gallons Per Minute (GPM) Available <sup>2</sup>		
Nominal Size ID (Inches)	Velocity <sup>1</sup>	
	4 fps	8 fps
1/2	2	5
3/4	6	11
1	10	20
1 1/4	15	31
1 1/2	22	44

NOTES:

1. For velocity limitations use manufacturers' recommendations.

2. Total gpm is the demand of all outlets. Individual distribution pipe size shall conform to Table 611 of this code or to good engineering practice (e.g., see §1805, Appendix B of this code).

3. Individual fixture shutoff valves shall be installed at the outlet for each fixture. If secondary shutoff valves are used at the manifold, they shall be identified for the fixture being supplied.

4. Piping bundles for manifold systems shall be supported in accordance with Chapter 3. Direction changes and bending radiuses shall be in accordance with manufacturer's recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2840 (November 2012).

**§613. Water Service Pipe and Fittings**

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. Materials Underground. Materials for underground water service pipe and lawn sprinkler systems, shall be a

minimum Type L copper tube, brass, cast iron pressure pipe, ductile-iron, or pressure-rated plastic as listed in Table 603 of this code. The minimum working pressure of plastic piping installed outside of the foundation walls shall be 160 psi (1103 kPa) at 73°F (23° C), with permanent identification markings. All potable water pipes, pipe fittings, plumbing fittings, or fixtures for underground water service pipe shall be evaluated and listed as conforming to NSF/ANSI 372. Any solder or flux used in the installation or repair of any plumbing including, but not limited to, water service lines in a residential or nonresidential facility providing water for human consumption shall be lead free.

1. Exception. The lead free requirement of §613.A of this code above shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

2. Materials subject to corrosion shall be protected when installed in corrosive soils. Approved fittings shall be used on the water service pipe and the water supply system, except that changes of direction in copper tube (ASTM B 88) may be made with bends having a radius of not less than four diameters of the tube, providing that such bends are made by use of forming equipment which does not deform or create loss in cross-sectional area of the tube. If allowed by the manufacturer, bends of pressure-rated plastic pipe listed in Table 603 of this code shall be installed to conform with the manufacturer's recommendations but in no case shall the bend radius be less than the requirements contained within §§619.A.5 through 619.A.8, as applicable. With the exception of heat fused polypropylene, all other inaccessible water service joints and fittings for plastic pipe below concrete slabs and driveways are prohibited.

B. Water Service Piping. Water service lines shall be sized in accordance with accepted engineering practice (e.g., see §1805, Appendix B of this code), but in no case shall the water service piping be less than 1-inch inside nominal diameter for galvanized ferrous piping or 3/4-inch inside diameter for copper, copper alloy or approved noncorrosive pipe or tube.

C. Service Lines Near Drain or Sewer Line. Except as permitted in §613.D of this code, the underground water service pipe and the building drain or building sewer shall be not less than 5-feet (1524 mm) apart horizontally and shall be separated by undisturbed or compacted earth.

D. Permitted Installation Near Drain or Sewer Line. The water service pipe may be placed in the same trench with the building drain and building sewer provided the following conditions are met:

1. The bottom of the water service pipe, at all points, shall be at least 12 inches (305 mm) above the top of the sewer line at its highest point;

2. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench; and,

3. Any underground water service pipe which must cross a pipe that conveys sewage (e.g., building drains, building sewers, and other piping conveying sewage) shall have a minimum vertical separation of 12 inches (305 mm) between the outside of the water service pipe and the outside of the sewer pipe. The water service pipe should always be installed above the sewer pipe. At crossings, one full length of water pipe shall be located so both joints will be as far from the sewer pipe as possible.

E. Stop and Waste Valves and Devices. Combination stop and waste valves and cocks shall not be installed underground in a water service pipe, water supply system, or a water distribution system. Any fixture or device which incorporates a stop and waste feature is prohibited if the waste opening is underground or in any location that waste water or water-borne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

F. Private Water Supply. No private supply shall be interconnected with any public water supply.

G. Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems). Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option [including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems - see LAC 51:XIII.733] which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

H. Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

I. Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

J. Reclaimed Water Lines. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2399, R.S. 40:4(A)(7), R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2841 (November 2012).

**§615. Water Pumping and Storage Equipment**

A. Pumps and Other Appliances. Water pumps, tanks, filters, softeners, and all other appliances and devices shall be protected against contamination.

B. Drains from Pressure Tanks, Boilers, and Relief Valves. The drains from pressure tanks, boilers, relief valves and similar equipment shall not be directly connected to the drainage system.

C. Cleaning, Painting, Repairing Water Tanks. A potable water supply tank shall not be lined, painted, or repaired with any material which will affect either the taste or the potability of the water supply when the tank is returned to service. Tanks shall be disconnected from the system during such operations, to prevent any foreign fluid or substance from entering the distribution piping.

D. Insufficient Pressure. When the water pressure from the water main (or other approved sources of potable water supply) during flow is insufficient to supply all fixtures freely and continuously, the rate of supply shall be supplemented by a gravity house tank or booster system (see §611.G of this code).

E. Support. All water supply tanks shall be supported in accordance with the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session or other regulations which apply.

F. Overflow Pipes. Overflow pipes for gravity tanks shall be protected against the entrance of insects and vermin and shall discharge above and within 6 inches (152 mm) of a roof or catch basin. Overflow pipes shall not be valved.

G. Drains. Water supply tanks shall be provided with valved drain lines located at their lowest point and discharged as an indirect waste. Drains for water supply tanks shall be not less than shown in Table 615.G of this code below.

<b>Drain Pipe (in)</b>	<b>Tank Capacity (gal)</b>	<b>Drain Pipe (in)</b>	<b>Tank Capacity (gal)</b>
1	Up to 750	2 1/2	3001 to 5000
1 1/2	751 to 1500	3	5001 to 7500
2	1501 to 3000	4	Over 7500

1. Each drain line shall be equipped with a quick opening valve of the same diameter as the pipe.

H. Gravity and Suction Tank. Tanks used for potable water supply shall be equipped with tight covers which are vermin and rodent proof. Such tanks shall be vented with a return bend vent pipe having an area not less than one-half the area of the feed riser, and the vent opening shall be properly screened.

I. Pressure Tank. Pressure tanks used for supplying potable water shall be equipped with an approved vacuum relief device located on the top of the tank. The air inlet of this device shall be properly screened.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2843 (November 2012).

**§617. Water Supply Control**

A. Valves Required. An accessible shutoff valve shall be provided on the consumer's premises ahead of the first outlet or branch connection to the service or distribution pipe of each dwelling, dwelling unit and buildings other than dwellings and dwelling units. Full port ball valve shut-offs on lines to 2 inches or full port ball or resilient wedge-type shut-off valves for 2 1/2-inch lines and larger shall be used. When such shutoff valve is located in the service pipe outside the building, it shall be located and accessible in a manufactured, approved, valve box with a readily removable access cover which extends to grade<sub>(G)</sub> level. When drain valves are provided for the distribution piping or other portions of the water distribution system, such drains shall be above grade<sub>(G)</sub> or otherwise located to prevent the possibility of backflow into the piping system after the system has been drained.

B. Tank Controls. Supply lines taken from pressure or gravity tanks shall be valved at or near the tank.

C. Controls for Fixtures Within Dwellings and Dwelling Units. Each individual fixture shall have an accessible shutoff valve at each outlet which will permit each fixture to be shut off without interfering with the water supply to any other fixtures. Shutoff valves for each fixture supplied by a manifold distribution system may be located at the manifold in addition to the outlet of the fixture being supplied. The hose bibb or hose connection shutoff valve shall be the only shutoff valve required on washing machine connectors.

1. Shutoff valves to water supply for refrigerators with automatic ice makers shall be accessible on the same floor.

D. Controls for Fixtures in Buildings Other Than Dwellings or Dwelling Units. In all buildings other than dwellings and dwelling units, shutoff valves shall be installed which permit the water supply to all fixtures and equipment in each separate room to be shut off without interference with the water supply to any other room or portion of the building or each individual fixture and piece of equipment shall have a shutoff valve which will permit each fixture and piece of equipment to be shut off without interfering with the water supply to other fixtures or equipment.

1. Each water supply branch line 1 1/2-inch or larger shall have a shutoff valve installed so as to isolate all fixtures and all pieces of equipment supplied by the branch line. The shutoff valve shall be installed in a labeled and accessible location as close to the connection to the supply main and/or riser as practical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2843 (November 2012).

**§619. Water Distribution Pipe, Tubing and Fittings**

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. General. Water distribution pipe, tubing and fittings shall comply with the following.

1. Minimum working pressure for plastic hot and cold piping material installed inside of the foundation walls shall be 100 psi (689.5 kPa) at 180°F (82°C), with permanent identification markings.

2. Materials subject to corrosion shall be protected when installed in corrosive soils. Approved fittings shall be

used on the water distribution system and the water supply system, except that changes of direction in copper tube (ASTM B 88) may be made with bends having a radius of not less than four diameters of the tube, providing that such bends are made by use of forming equipment which does not deform or create loss in cross-sectional area of the tube. If allowed by the manufacturer, bends of pressure-rated plastic pipe listed in Table 603 of this code shall be installed to conform with the manufacturer's recommendations but in no case shall the bend radius be less than the requirements contained within §§619.A.5 through 619.A.8 of this code, as applicable.

3. All potable water pipes, pipe fittings, plumbing fittings, or fixtures for the water distribution system shall be evaluated and listed as conforming to NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any plumbing including, but not limited to, water distribution pipes in a residential or nonresidential facility providing water for human consumption shall be lead free.

a. Exception. The lead free requirement of §619.A.3 of this code above shall not apply to:

i. leaded joints necessary for the repair of existing cast iron pipes;

ii. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

iii. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

4. All pipes and pipe fittings shall conform to the standards listed in Table 603 of this code. All solder and flux shall conform to the applicable standard(s) listed in Table 303 of this code.

5. Bends of cross-linked polyethylene (PEX) plastic tubing shall be installed to conform to the manufacturer's recommendations but in no case shall the bend radius be less than the following:

a. When bent with the coil-a bending radius equivalent to or greater than 8 times the outside diameter of the tubing shall be maintained. Outside diameter is equal to the inside nominal diameter plus 1/8-inch.

b. When bent against the coil-a bending radius equivalent to or greater than 24 times the outside diameter of the tubing shall be maintained. Outside diameter is equal to the inside nominal diameter plus 1/8-inch.

6. Because the linear expansion rate for cross-linked polyethylene (PEX) tubing is about 1 inch/10°F for each 100 feet (30 m) of tubing, it should not be rigidly anchored to any support in order to allow for freedom of movement during expansion and contraction. When installing long runs of tubing, a longitudinal clearance of 1/8 to 3/16 inch per foot of run should be allowed to accommodate for thermal expansion. PEX tubing, where it passes through concrete or a similar building material which would not allow for freedom of linear expansion, shall be provided with a pipe sleeve of Schedule 40 pipe which shall be built into the foundation, footing, floor, wall or ceiling. Such pipe sleeve shall be of sufficient inside diameter to allow for the free

expansion and contraction of the PEX tubing and to prevent any rubbing action.

7. The maximum recommended spacing between horizontal supports for cross-linked polyethylene (PEX) tubing is 32 inches (813 mm) for nominal tubing diameters from 1/4- inch through 2-inch. It should not be rigidly secured to a joist or stud but should be secured with smooth plastic strap hangers, which permit ease of movement during expansion or contraction. Valve and fixture connections to which PEX pipe is connected shall be rigidly anchored.

8. Bends of chlorinated polyvinyl chloride (CPVC) plastic pipe shall be installed to conform to the manufacturer's recommendations but in no case shall the bend radius be less than the following:

a. A bending radius equivalent to or greater than 18 inches (457 mm) for 1/2 and 3/4-inch inside nominal diameter piping.

b. A bending radius equivalent to or greater than 24 inches (610 mm) for 1-inch inside nominal diameter piping.

B. Materials Above Ground. Materials for water distribution pipes and tubing shall be brass, copper water tube minimum type L (i.e., type M copper is prohibited), stainless steel water pipe or tubing (Types 304/304L and 316/316L only), cast iron pressure pipe, ductile-iron, galvanized steel, pressure-rated polypropylene (PP), chlorinated polyvinyl chloride (CPVC) or cross-linked polyethylene (PEX) plastic pipe or tubing, all to be installed with approved fittings and bends; except that changes in direction in copper tube (ASTM B 88) may be made with bends having a radius of not less than four diameters of the tube, providing that such bends are made by use of forming equipment which does not deform or create a loss in cross-sectional area of the tube. Translucent PEX plastic pipe or tubing, when installed above ground, shall not be exposed to direct or indirect sunlight.

C. Materials Below Ground. Inaccessible water distribution piping under slabs shall be copper water tube minimum type L (i.e., type M copper is prohibited), brass, stainless steel water pipe (types 304/304L and 316/316L only), cast iron pressure pipe, ductile-iron pipe, chlorinated polyvinyl chloride (CPVC), pressure-rated polypropylene (PP) or cross-linked polyethylene (PEX) plastic pipe or tubing, all to be installed with approved joining methods or bends. All copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with §315.D and §§621.D through 621.G of this code, as appropriate. Heat fused joints for polypropylene shall be made in accordance with §621.E.3 of this code. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited. Any material subject to corrosion shall be protected when used in corrosive soils.

D. Valves. Valves shall conform to the standards listed in Table 619.D of this code below.

Table 619.D Valve Standards	
Materials	Standards
Valves, Bronze Gate, Globe, Angle, Check	MSS SP-80
Valves, Cast Iron	ASTM A 126
Valves, Ball	MSS SP-72. MSS SP-110
Valves, Resilient-Seated Gate	AWWA C509

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7), R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2843 (November 2012).

### **§621. Joints**

Editor's Note: The text in this Section will be effective on January 1, 2013.

A. General. This Section contains provisions applicable to joints specifically for water service and distribution piping. Provisions for those joining methods which are applicable to more than one piping system are contained in Chapter 3 of this code.

B. Soldered Joints. Soldered joints for tubing shall be made with approved fittings (see §621.F of this code). Surfaces to be soldered shall be cleaned bright, all burrs shall be removed and the tubing shall be returned to full bore. The joints shall be properly fluxed and made with approved solder (see Table 303 of this code). All solder and flux used in the installation or repair of water supply systems, water distribution systems, and water service pipe shall be lead free. Soldered joints should not be made closer than 18 inches (457 mm) to an installed plastic-to-metal adapter in the same water line.

1. Exception. The lead free requirement of §621.B of this code above shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

C. Flared Joints. Flared joints for soft tempered copper water tube shall be made with fittings meeting approved standards. The tubing shall be expanded with a proper flaring tool.

D. Brazed Joints. Brazed joints shall be made in accordance with the provisions of Section 6 of ANSI B31.1. Brazed joints should not be made closer than 18 inches (457 mm) to an installed plastic-to-metal adapter in the same water line.

E. Joints for Plastic Water Service and Water Distribution Pipe and Fittings. Joints for plastic water service and water distribution pipe and fittings shall comply with the following.

1. General. Plastic pipe and fittings for water service piping and water distribution piping may be of the insert type, compression type, solvent cemented (see Table 303 and Section 313.H.1 of this code), heat fused, pressure-lock, or may be hot or cold flared as recommended by the manufacturer or the Plastic Pipe Institute for the particular materials being used. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe are prohibited on inaccessible water distribution piping under slabs.

2. Polyethylene Water Service. Stiffener inserts used with compression type fittings shall not extend beyond the clamp or nut of the fitting. Pipe shall be cut square, using a cutter designed for plastic pipe and ends shall be chamfered to remove sharp edges. Electro and heat fusion joints for Polyethylene pipe and fittings shall be made in accordance with ASTM F 1290 and ASTM F 2620, respectively. Flared joints shall be permitted where recommended by the manufacturer and made by the use of a tool designed for that operation.

3. Polypropylene Piping and Joints. Heat fused joints for polypropylene pipe and fitting joints shall be made in accordance with ASTM D 2657.

F. Copper Water Pipe and Tubing Joints for copper water pipe and tubing shall be formed either by the appropriate use of approved brass, bronze or wrought copper water fittings, properly soldered or brazed together, or by means of approved flare fittings as provided in §621.C of this code.

G. Stainless Steel Pipe and Joints. Joints and fittings for stainless steel pipe shall be installed in accordance with the manufacturer's installation instructions and approved standards. Welded joints shall be either fusion or resistance welded based on the selection of the base metal. Chemical composition of the filler metal shall comply with AWS A5.9 based on the alloy content of the piping material.

H. Special Joints. The special joints identified below shall comply with the following.

1. Copper Water Tubing or Stainless Steel Tubing to Threaded Pipe Joints. Joints from copper water tubing or stainless steel tubing to threaded pipe shall be formed by the use of bronze or copper adapter fittings. The joint between the copper tube or stainless steel tube and fittings shall be properly soldered or brazed, and the connection between the threaded pipe and the fitting shall be made with a standard pipe size threaded joint.

2. Ground Joint Brass Connections. Ground joint brass connections which allow adjustment of tubing but provide a rigid joint when made up shall not be considered as slip joints.

3. Plastic Pipe to Other Materials. Joints between plastic pipe and other materials shall be formed with proper adaption fittings as furnished by the manufacturer.

4. Unions. Unions in the water service pipe and water distribution system shall be metal-to-metal with ground seats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) R.S. 40:5(2)(3)(7)(9)(16)(17)(20), and R.S. 40:1299.27.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2845 (November 2012).

### **§623. Safety Devices**

A. Shower Temperature Control Devices.

1. Multiple (gang) Showers. Multiple (gang) showers, when supplied by a single temperature controlled water supply pipe, shall be controlled by a master temperature actuated mixing valve conforming to ASSE 1069, or each shower shall be individually controlled by an automatic compensating scald preventative valve of the pressure balancing, thermostatic or combination pressure balance/thermostatic mixing valve type conforming to ASSE



1016, ASME A 112.18.1 or CSA B125.1. Handle position stops or other limit setting devices shall be provided on such valves and shall be adjusted in accordance with manufacturer's instructions at time of installation to deliver a maximum mixed water outlet temperature of 120°F (48.3° C).

2. Individual Shower and Shower/Bath Combinations. Shower and shower/bath combinations in all buildings shall be provided with an automatic compensating scald preventative valve of the pressure balance, thermostatic, or combination pressure balance/thermostatic mixing valve type which provides scald and thermal shock protection for the rated flow rate of the installed showerhead. These valves shall conform to ASSE 1016, ASME A 112.18.1 or CSA B125.1 and shall be equipped with a means to limit the maximum setting of the valve to 120°F (48.3°C), which shall be field adjusted in accordance with the manufacturer's instructions at the time of installation.

B. Public Lavatory Temperature Control Devices. The temperature of the water delivered from public use lavatories or other public hand-washing fixtures shall be limited to a maximum temperature of 120°F (48.3° C) by a temperature control device that conforms to ASSE 1070.

C. Bathtub and Whirlpool Temperature Control Devices. The temperature of the water delivered from bathtubs and whirlpools shall be limited to a maximum temperature of 120°F (48.3° C) by a temperature control device that conforms to ASSE 1070, except where such protection is otherwise provided for in accordance with §623.A of this code.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2845 (November 2012).

**§625. Miscellaneous**

A. Drain Cock. All storage tanks shall be equipped with adequate drain cocks.

B. Line Valves. Valves in the water supply distribution system, except those immediately controlling one fixture supply, when fully opened shall have a cross-sectional area at the smallest orifice or opening through which the water flows at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

C. Water Used for Processing. Water used for cooling of equipment or similar purposes shall not be returned to the potable water distribution system, water service pipe, or water supply system. When discharged to the building drainage system or other point of disposal, the waste water shall be discharged through an air gap (water distribution).

D. Trap Primers Connected Directly to a Potable Water System. Trap primers which connect directly to a potable water system shall comply with the following.

1. Trap primers which are connected directly to a potable water system shall be constructed with integral air gaps. In addition to the integral air gap, additional backflow protection shall be provided by the installation of either an approved air gap device on the discharge line from each trap primer, or by the installation of an approved reduced pressure principle backflow preventer on the trap primer's individual potable water supply line.

2. Trap primers (and associated air gap device and/or reduced pressure principle backflow preventer) shall be accessible and shall not be concealed by building or other construction.

3. Trap primer drains shall be constructed to completely drain by gravity after each cycle of operation and, in no case, shall the drain be connected to the trap below the top of the trap water seal or trap outlet weir.

4. Trap primer air gaps, when required, shall be located a minimum of 6 inches (152 mm) above the flood level of the floor drain or receptor served.

5. Trap primers which connect to the potable water system shall be connected to the cold water supply in accordance with the manufacturer's recommendations.

6. Separate cutoff valves shall not be installed between a trap primer and its water supply except that a cutoff valve for an individual fixture shall control both the water supply to the trap primer and the individual fixture to assure a constant supply to the primer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2846 (November 2012).

**§627. Water Treatment Units**

A. Drinking water treatment units shall meet the requirements of NSF 42 and 53. Units are designed to be used for the reduction of specific contaminants from potable drinking water, such contaminants being considered as potential health hazards or affecting the aesthetic quality characteristics of potable drinking water.

B. Reverse osmosis drinking water treatment systems shall meet the requirements of NSF 58. Systems are designed to be used for the reduction of specific

Table 623 Temperature Control Device Standards	
Materials	Standards
Automatic Compensating Valves for Individual Shower and Tub-Shower Combinations	ASSE 1016
Temperature Actuated Mixing Valves for Hot Water Distribution Systems	ASSE 1017
Automatic Temperature Control Mixing Valves	ASSE 1069
Water Temperature Limiting Devices	ASSE 1070
Plumbing Supply Fittings	ASME A112.18.1, CSA B125.1

D. Thermal Expansion Control. Thermal expansion shall be controlled in accord with the following requirements.

1. If water is heated and stored in a consumer's system and the system has been closed by the installation of a backflow preventer or a pressure reducing valve, a thermal expansion control shall be installed at an accessible location between the checking device and the water heating equipment to limit thermal expansion of the water being heated to not more than 80 psi (552 kPa) static pressure at any fixture on the system. A potable water expansion tank or auxiliary relief valve set at 80 psi (552 kPa) shall be acceptable.

2. The auxiliary relief valve shall be in addition to the water heater safety relief valve. This thermal expansion control device shall be designed and trimmed for repeated operation. The valve shall be a minimum 1/2-inch pipe size, shall be adjustable and calibrated, and shall include a tag describing its function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

contaminates from potable drinking water supplies considered to be microbiologically safe and of known quality (except that claims for the reduction of filterable cysts may be permitted). Systems covered by this standard are intended for reduction of total dissolved solids (TDS) and other contaminants specified therein.

C. Waste and discharge from reverse osmosis or other types of water treatment units shall enter the drainage system through an air gap (drainage system).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2846 (November 2012).

**§629. Additional Water Supply and Distribution Provisions**

A. Additional provisions for water supply and distribution are found in the following:

1. LAC 51:XIV.609.F, Cross-Connection Control;
2. LAC 51:XIV.Chapter 13, Medical Facilities Plumbing Systems;
3. LAC 51:XIV.Chapter 15, Travel Trailers and Travel Trailer Parks;
4. LAC 51:XIV.Chapter 16, Mobile/Manufactured Homes and Mobile/Manufactured Home Parks; and,
5. LAC 51:XIV.1805, Appendix B, Sizing of Water Piping System.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2847 (November 2012).

**Chapter 7. Sanitary Drainage**

**§701. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, construction, and installation of sanitary drainage systems.

B. Damage to Drainage System, Sewerage System, or Sewage-Treatment Plant. Wastes which are detrimental to, and/or able to cause damage or operational problems to, either the drainage system, the sewerage system, or the functioning of the sewage-treatment plant shall be treated and disposed of in accordance with §703.F, §1005, or an approved pretreatment system as directed by the plumbing official.

C. Individual Sewerage System. Where a community sewerage system is not available, an individual sewerage system shall be of a type that is acceptable and approved by the state health officer. See Chapter 17 of this code.

D. Tests. The sanitary drainage system shall be tested in accordance with §319 of this code.

E. Engineered Systems. Engineered sanitary drainage and venting systems shall conform to the provisions of Chapter 12 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2847 (November 2012).

**§703. Materials**

A. General. Pipe, tubing, and fittings for drainage systems shall conform to the standards listed in Table 703 of this code.

B. Specific Type. Standards listed in Table 703 of this code below apply to the specific materials approved for use and, as indicated in the various Sections in this Chapter, as they apply to the drainage system.

C. Aboveground Piping within Buildings and Piping in Raceways or Tunnels. Aboveground piping within buildings and piping in raceways or tunnels shall comply with the following.

1. Soil and waste piping for drainage systems shall be of cast iron, galvanized steel, type 304 or 316L stainless steel, brass or copper pipe, type DWV copper tube, Schedule 40 plastic piping or borosilicate glass.

2. Vertical soil, waste and vent stacks shall be designed to control expansion and contraction, in accordance with accepted engineering practice, to the satisfaction of the plumbing official.

D. Underground Piping Within Buildings. All underground drains within buildings shall be cast iron soil pipe, type 316L stainless steel, ductile-iron pipe, type DWV copper, heavy schedule borosilicate glass, or Schedule 40 plastic piping. Materials subject to corrosion shall be protected when installed in corrosive soils.

<b>Table 703 Drainage System Materials</b>	
<b>Materials</b>	<b>Standards</b>
Nonmetallic Piping	
Clay Drain Tile	ASTM C 4
Clay Pipe Compression Joints	ASTM C 425
Clay Sewer Pipe	ASTM C 700, Markings shall include ASTM number
Concrete Drain Tile	ASTM C 412/C 412M
Concrete Perforated Pipe	ASTM C 444/C 444M
Concrete Reinforced Culverts	ASTM C 76/C 76M, For storm drains only
Concrete Reinforced Sewer Pipe	ASTM C 361/C 361M, For storm drains only
Concrete Non-reinforced Sewer Pipe	ASTM C 14, For storm drains only
Sewer Manholes Precast Reinforced Concrete (Steel Cylinder Type)	ASTM C 478/C 478M FSS-P-381
Plastic Pipe and Fittings ABS-DWV Pipe and Fittings	ASTM D 2661, Listed, See §303.H.2 of this code
ABS Sewer Pipe and Fittings (for outside building sewers, storm drains and storm sewers)	ASTM D 2751, See §§705.A, 1101.E, 1103.B, and 1103.D of this code (Installation: ASTM D 2321)
Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain Waste, and Vent Pipe with a Cellular Core	ASTM F 628, Listed
Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe and Fittings for Chemical Waste Drainage Systems	ASTM F 2618
Coextruded Composite Pipe	ASTM F 1488, See §§303.H.2, 303.H.4, 705.A, 1101.E, and 1103.B, 1103.D of this code
Coextruded Composite Drain, Waste, and Vent Pipe (DWV)	ASTM F 1499, See §§303.H.2, 303.H.4, 705.A, 1101.E, 1103.B, and 1103.D of this code
Coextruded PVC Plastic Pipe with a Cellular Core	ASTM F 891, See §§303.H.2, 303.H.4, 705.A, 1101.E, 1103.B, and 1103.D of this code
Flexible Elastomeric Non-Pressure Joints	ASTM D 3212, See §303.H of this code
Large Diameter Ribbed PVC Sewer Pipe and Fittings	CAN/CSA-B182.4
Polyolefin Pipe and Fittings for Corrosive Waste Drainage Systems	ASTM F 1412

<b>Table 703 Drainage System Materials</b>	
<b>Materials</b>	<b>Standards</b>
Polyvinylidene Fluoride (PVDF) Corrosive Waste Drainage Systems	ASTM F1673
PVC-DWV Pipe and Fittings	ASTM D 2665, Listed, See §303.H.2 of this code
ABS and PVC Plastic Tube and Tubular Fittings	ASTM F 409
Type PSM PVC Sewer Pipe & Fittings (for outside building sewers, storm drains and storm sewers)	ASTM D 3034, See §705.A, 1101.E, 1103.B, and 1103.D of this code (Installation: ASTM D 2321)
Type PSP PVC Sewer Pipe & Fittings (for outside building sewers, storm drains and storm sewers)	ASTM D 2321, Installation
Ferrous Pipe and Fittings Cast Iron Soil Pipe and Fittings	ASTM A 74, CISPI HS
Cast Iron Hubless Pipe and Fittings	CISPI Std. 301, ASTM A 888
Ductile-Iron Gravity Sewer Pipe	ASTM A 746
Hubless Cast Iron Sanitary System	CISPI Std. 310
Manhole Top Frames and Covers	ASTM A 48/A 48M
Stainless Steel Drainage Systems for Sanitary DWV, Storm, and Vacuum Applications, Above- and Below Ground (Type 304 is prohibited from underground use in these drainage systems)	ASME A112.3.1
Nonferrous Pipe and Fittings Cast Copper Alloy Solder-Joint Drainage Fittings DWV	ASME B 16.23
Cast Copper Alloy Solder Joint Fittings for Solvent Drainage Systems	ANSI B 16.32
Copper Drainage Tube DWV	ASTM B 306
Corrosion-Resistant High-Silicon Iron Castings	ASTM A 518/A 518M
Lead Pipe, Bends and Traps	FS WW-P-325
Welded Copper and Copper Alloy Heat Exchanger Tube	ASTM B 543
Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings For Plumbing Drainage Waste and Vents	ASME B 16.29
Wrought Copper and Copper Alloy Solder-Joint Fittings for Solvent Drainage Systems	ANSI B 16.43
Glass Pipe Borosilicate Glass Pipe and Fittings for DWV Applications	ASTM C 1053

E. Fittings. Fittings on the drainage system shall be compatible to the type of piping used. Fittings on threaded pipe shall be of the recessed drainage type. See §311 of this code.

F. Acid Soil and Waste Piping. Acid soil and waste piping for drainage systems shall be of a high silicon cast iron complying with ASTM A 518/A 518M, borosilicate glass complying with ASTM C 1053, chlorinated poly (vinyl chloride) (CPVC) complying with ASTM F 2618, polyolefin pipe complying with ASTM F 1412, polyvinylidene fluoride (PVDF) complying with ASTM F 1673, or other materials approved by the plumbing official. Joints shall be made in conformance with the manufacturer's recommendations. Acid soil, waste and vent piping shall not be connected to the conventional plumbing system.

1. Neutralizing Device. In no case shall corrosive liquids, spent acids, or other harmful chemicals which might destroy or injure a drain, sewer, soil or waste pipe, or which

might create noxious or toxic fumes, discharge into the plumbing system without being thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing device (generally, utilizing limestone chips). Such device shall be automatically provided with a sufficient intake of diluting water or neutralizing medium, so as to make its contents noninjurious before being discharged into the soil or sewage system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2847 (November 2012).

### §705. Building Sewer

A. Separate Trenches. The building sewer, when installed in a separate trench from the water service pipe, shall be cast iron sewer pipe, vitrified clay sewer pipe, or plastic piping (minimum SDR 35 or heavier). Joints shall be watertight and rustproof and all material shall be installed according to the manufacturer's recommendations (see §705.H of this code). All pipe and fittings shall bear the manufacturer's name or trademark.

B. Sewer in Filled Ground. A building sewer or building drain installed in unstable fill or unstable ground shall be of cast iron pipe, except that nonmetallic drains may be laid upon an approved continuous supporting system if installed in accordance with §705.A of this code.

C. Sanitary and Storm Sewers. Where separate systems of sanitary drainage and storm drainage are installed in the same property, the sanitary and storm building sewers or drains may be laid side by side in one trench.

D. Old House Sewers and Drains. Old building sewers and building drains may be used in connection with new building or new plumbing and drainage work only when they are found, on examination and test, to conform in all respects to the requirements governing new house sewers. The plumbing official shall notify the owner to make the changes necessary to conform to this code.

E. Cleanouts on Building Sewers. Cleanouts on building sewers shall be located as set forth in §717.B of this code.

F. Minimum Size Building Sewer. No building sewer shall be less than 4 inches in size with the exception of force lines.

G. Backwater Valves. Backwater valves shall comply with the following.

1. Fixture Branches. Backwater valves shall be installed in the branch of the building drain which receives only the discharge from fixtures located below grade<sup>(G)</sup>. Where fixtures are located below the level of the top of the first upstream manhole, said fixtures shall be protected by a backwater valve.

2. Material. Backwater valves shall have all bearing parts of corrosion resistant material. Backwater valves shall comply with ASME A 112.14.1 or CAN/CSA B181.1, CAN/CSA B181.2.

3. Seal. Backwater valves shall be so constructed as to insure a mechanical seal against backflow.

4. Diameter. Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.

5. Location. Backwater valves shall be so installed to be accessible for service and repair.

H. Installation of Building Sewers. The installation of building sewers shall comply with the following. [formerly Appendix I - Installation of Building Sewers]

1. Cast Iron Soil Pipe. Cast iron soil pipe shall be installed in accord with the following requirements.

a. Trench Construction. Pipe shall be installed in as narrow a trench as possible while providing sufficient width for joint assembly.

b. Bedding. Pipe shall be installed so that the trench bottom provides support of the pipe barrel. Hub holes and coupling holes shall be provided.

c. Rock. When rock larger than 1 1/2 inches (38.1 mm) in diameter is encountered during installation, it shall be removed from the trench bottom and a 6-inch (152.4 mm) layer of selected fill shall be added to provide uniform support.

d. Backfilling. Backfill trench following test. When backfilling, care shall be taken to protect the pipe from large rocks, stone, or frozen fill material which could damage the pipe.

2. Clay Pipe. Clay pipe shall be installed in accord with the following requirements.

a. Trench and Material Preparation. The trench and material preparation for clay pipe shall be as follows:

i. Width of trenches in which clay pipe is to be installed shall be such as to provide adequate space for workmen to place and joint the pipe properly.

ii. Bell holes shall be excavated so that, after placement, only the barrel of the pipe receives bearing pressure from the trench bottom.

iii. Preparation of the trench bottom and placement of the pipe shall be carefully done so that, when in final position, the pipe is true to line and *grade<sub>(S)</sub>*.

iv. Pipe shall be protected during handling against impact shock and free fall. No pipe shall be used in the work which does not conform to the appropriate ASTM standard.

b. Pipe Laying and Joining. The pipe laying and joining of clay pipe shall be as follows:

i. The laying of pipe in finished trenches shall be commenced at the lowest point, with the spigot ends pointing in the direction of flow.

ii. All pipe shall be laid with ends abutting and true to line and *grade<sub>(S)</sub>*. They shall be carefully centered, so that when laid they will form a sewer with a uniform invert.

iii. Pipe shall be set firmly according to line and *grade<sub>(S)</sub>*, and, preparatory to making pipe joints, all surfaces of the portion of the pipe to be joined shall be cleaned and dried. The joints shall then be carefully adjusted and filled with the jointing material.

iv. Trenches shall be kept water-free during joining and for a sufficient period thereafter to allow the jointing material to become fully set and completely resistant to water penetration. Trenches shall be backfilled immediately after pipe is laid therein to prevent dislocation of the sewer line or jointing material, except when factory applied flexible compression joints are used.

c. Testing. The clay pipe sewer line shall be tested as required in §319 of this code, or as prescribed by the local plumbing official.

3. Plastic Pipe. Plastic pipe shall be installed in accord with the following requirements.

a. Trenching and Supporting. The trenching and supporting of plastic pipe shall be as follows:

i. Trenching. Excavate to desired *grade<sub>(S)</sub>*. Use template to detect high spots and holes. Fill holes and depressions, tamping thoroughly.

ii. Where trenching conditions are difficult, pipe shall be uniformly supported throughout using treated timber, concrete pad, sand, or select backfill properly tamped.

b. Laying, Bedding and Backfilling. The laying, bedding and backfilling of plastic pipe shall be as follows.

i. Lay the pipe line as described. Be sure the pipe is bedded in the selected backfill one-fourth to one-third of the pipe diameter. Under no circumstances should bricks or other supports be used to bring pipe to *grade<sub>(S)</sub>*.

ii. After pipe is bedded and checked for *grade<sub>(S)</sub>*, additional selected backfill is placed by shovel at sides and over top of pipe and tamped. By careful tamping at this point, the pipe can support a much greater load and is less likely to be subsequently disturbed or shifted.

iii. Reasonably clean backfill shall be placed 12 inches (305 mm) over the pipe.

iv. The trench may now be backfilled by any conventional means, bulldozer, loader, etc., and the pipe is protected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2848 (November 2012).

#### §707. Drainage Piping Installation

A. Horizontal Drainage Piping. Horizontal drainage piping shall be installed at a uniform slope but at slopes not less than permitted in §§707.B through 707.D of this code.

B. Small Piping. Horizontal building drainage piping less than 3-inch diameter shall be installed with a fall of not less than 1/4 inch per foot (21 mm per meter).

C. Large Piping. Horizontal building drains 3-inch diameter or larger shall be installed with a fall of not less than 1/8 inch per foot (10 mm per meter).

D. Minimum Velocity. Where conditions do not permit building drains and sewers to be laid with a fall as great as that specified, then a lesser slope may be permitted provided the computed velocity will be not less than 2 fps (0.61 m/s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2849 (November 2012).

#### §709. Joints

A. General. This Section contains provisions applicable to joints specific to sanitary drainage piping. Provisions for those joining methods which are applicable to more than one piping system are contained in Chapter 3 of this code.

B. Caulked Joints. Caulked joints for cast-iron hub-and-spigot soil pipe shall be firmly packed with oakum or hemp and filled with molten lead not less than 1-inch (25.4 mm) deep and extending not more than 1/8 inch (3.18 mm) below rim of hub. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

C. Joints for Plastic Pipe and Fittings. Refer to §313.H of this code for ABS and PVC joints.

D. Elastomeric Compression Gasket for Cast Iron Soil Pipe. Elastomeric compression gasketed joints for cast iron soil pipe shall comply with the following.

1. A positive-seal one piece elastomeric compression type gasket may be used for joining hub and spigot cast iron soil pipe as an alternate for lead or oakum joints. The joint is formed by inserting an approved gasket in the hub. The inside of the gasket is lubricated and the spigot end of the pipe is pushed into the gasket until seated, thus affecting a positive seal.

2. A positive-seal one piece elastomeric compression-type gasket for joining hub and spigot cast iron soil pipe may be used for drainage and waste systems above and below ground.

3. Compression gaskets for cast iron soil pipe shall be neoprene, marked as such, with ASTM C 564.

E. Hubless Cast Iron Soil Pipe System. Joints for hubless cast iron soil pipe shall comply with the following.

1. Joints for hubless cast iron soil pipe shall be made with an approved gasket and stainless steel retaining sleeve.

2. Stainless steel couplings and gaskets complying with standards listed in Table 303 of this code shall have identifying markers to indicate compliance.

3. Installation of the hubless cast iron soil pipe system shall be in accordance with CISPI 310 or the manufacturer's recommendation.

F. Borosilicate Glass Pipe. Joints for borosilicate glass pipe shall comply with the following.

1. Glass to glass connections shall be made with a bolted compression type stainless steel (300 series) coupling with contoured acid-resistant elastomer compression ring and a fluorocarbon polymer inner seal ring.

2. Joints between glass pipe and other types of piping material shall be made with adapters having a tetrafluoroethylene (TFE) seal and according to manufacturer's recommendations.

3. Caulked joints shall conform with §709.B of this code except that acid resistant rope and acid proof cement may be used.

G. Joints for Ductile-Iron Gravity Sewer Pipe (bell and spigot). Joints in ductile-iron gravity sewer pipe shall be of the push-on joint type using a single oil resistant gasket joint. The gasket and the annular recess in the bell end of the pipe will be designed and shaped so that the gasket is locked in place against displacement. The oil resistant gaskets shall conform to AWWA C111 or ANSI A21.11 and shall comply with the performance requirements of the standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2849 (November 2012).

#### **§711. Use of Joints**

A. Clay Sewer Pipe. Joints in vitrified clay pipe or between such pipe and other pipe shall be formed as provided in §313.D, §313.E, or §711.D of this code.

B. Concrete Sewer Pipe (for storm drains only). Joints in concrete sewer pipe or between such pipe and metal pipe shall be formed as prescribed in §313.D, §313.E, or §711.D of this code.

C. Cast Iron Soil Pipe. Joints in cast iron pipe shall be either caulked, positive-seal elastomeric compression gasket or a neoprene gasket and stainless steel retaining sleeve, as provided in §§313.B, 709.B, 709.D, and 709.E of this code.

D. PVC Transition Fittings for Dissimilar Pipe in Building Sewers. PVC transition fittings for dissimilar pipe in building sewers shall comply with the following.

1. PVC transition fittings for dissimilar pipe in building sewers shall be installed according to manufacturers' instructions.

2. Joint Sealer Adapter—to adapt cast iron, plastic, fiber, asbestos cement, clay or copper pipe to all makes of dissimilar drain pipes with PVC joint.

3. Flexible Coupling—to adapt any two of the following pipe of the same outside diameter or reducing sizes of any combination of two: clay, concrete, cast iron, steel, copper (DWV), asbestos cement, fiber drain and sewer pipe, plastic drain and sewer pipe.

4. Solvent Cemented Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Poly Vinyl Chloride (PVC). Solvent cements for use in transition joints between building drains and building sewers (non-pressure applications only) shall comply with ASTM D 3138.

E. Ductile Iron Pipe without Push-On-Joints (plain end). Joints in ductile iron pipe for the building sewer without push-on-joints shall be made with a flexible coupling assembly in accordance with §313.D of this code or in accordance with the manufacturer's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2850 (November 2012).

#### **§713. Connections between Drainage Piping and Fixtures**

A. Connections between drainage piping and floor outlet plumbing fixtures shall be made by means of an approved flange which is attached to the drainage piping in accordance with the provisions of this Chapter. The 4 x 3 closet flange shall be attached to the outside diameter and not to the inside diameter of the drainage piping. The floor flange shall be set on and securely anchored to the building structure.

B. Connections between drainage piping and wall hung water closets shall be made by means of an approved extension nipple or horn adapter.

C. The connection shall be bolted to the flange or carrier using corrosion resisting bolts, screws or assemblies recommended by the manufacturer.

D. An approved gasket, washer, or setting compound shall be used between the fixture and the connection. Use of commercial putty or plaster shall be prohibited as the setting compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2850 (November 2012).

#### **§715. Prohibited Joints and Connections**

A. Drainage System. Any fitting or connection which has an enlargement, chamber, or recess with a ledge, shoulder, or reduction of pipe area, that offers an obstruction to flow through the drain, is prohibited, except as stated in §727 of this code.

B. Prohibited Fittings or Connections. Fittings or connections that offer abnormal obstruction to flow shall not be used. The enlargement of a 3-inch closet bend or stub to 4 inches shall not be considered an obstruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2850 (November 2012).

#### §717. Cleanouts

A. Material and Design. The bodies of cleanout ferrules shall conform in thickness to that required for pipe and fittings of the same material, and they shall extend not less than 1/4-inch (6.35 mm) above the hub. For new work, the cleanout plug shall be of heavy brass or plastic not less than 1/8-inch (3.18 mm) thick and shall be provided with a raised nut or a recessed socket for removal. Both ferrule and plug shall have ASME standard tapered pipe threads. Heavy lead plugs may be used for repairing a cleanout where necessary. Nylon plastics may be used as an alternate material.

B. Location. The location of cleanouts shall comply with the following:

1. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

a. Exceptions. The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

i. "P" traps connected to the drainage piping with slip joints or ground joint connections;

ii. "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

iii. "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

iv. "P" traps into which residential washing machines discharge;

v. test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor;

f. cleanout within 6-feet (1829 mm) of the junction of the building drain and the building sewer which may be rodded both ways; and,

g. water closets for the water closet fixture branch only.

2. Each building drain shall be provided with a cleanout within 6-feet (1829 mm) of the junction of the building drain and building sewer.

3. Cleanouts when installed in accordance with §717.B.2 of this code may be either outside the building or when inside the building they shall be above the flood-level rim of the fixtures that the horizontal pipe serves when installed on a soil or waste stack.

4. In addition to the upstream cleanout and the cleanout of the junction of the building drain and building sewer, cleanouts shall be located along the horizontal piping so that:

a. In pipe 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 ft (15.2 m) intervals; and,

b. In pipe 4 inches nominal diameter through 6 inches nominal diameter, cleanouts shall be located at not more than 80 ft (24.4 m) intervals.

C. Concealed Piping. Cleanouts on concealed piping or piping under a floor slab or piping in a crawl space of less than 24 inches (610 mm) or a plenum of any depth shall be extended through and terminate flush with the finished wall, floor or grade<sub>(G)</sub> or may be extended to the outside of the building. Where it is necessary to conceal a cleanout or to terminate a cleanout in an area subject to vehicular traffic, the covering plate, access door or cleanout shall be of the approved type designed and installed for this purpose.

D. Direction of Flow. Cleanouts shall be installed to permit cleaning in the direction of flow. Line cleanouts which may be rodded both ways shall be used whenever practical.

E. Use for New Fixtures Prohibited. Cleanout plugs shall not be used for the installation of new fixtures or floor drains, except where approved in writing by the plumbing official and where another cleanout of equal access and capacity is provided.

F. Trap Cleanouts. Cleanouts for traps shall comply with the following:

1. Each fixture trap, except those cast integrally or in combination with fixtures in which the trap seal is accessible, or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible brass trap screw of ample size. Cleanout plugs or caps shall be watertight and gastight. Nylon plastics may be used as an alternate material.

2. Cleanouts on the seal of a trap shall be made tight with threaded cleanout plug and approved washer. Where glass traps are required, slip joints or couplings must have a tetrafluoroethylene (TFE) seal.

G. Manholes. Sewer manholes shall be waterproofed, constructed of poured-in-place concrete or precast concrete pipe sections conforming to ASTM C 478. Bottoms shall be concrete poured on stabilized soil or aggregate subbase with inside surfaces sloped a minimum of 2 inches per foot to the pipe flow channel. All pipe connections and joints shall be sealed with approved waterstop or gasket materials and grouted. Manhole top frames and covers shall be Class 30 gray cast iron conforming to ASTM A 48/A 48M, machined for proper fit of covers in frame, coated with coal-tar pitch varnish and not less than 93 percent of the specified weight for each casting. Covers shall have the word "SEWER" cast in large letters. Similar, sealed covers with gaskets and cap screws or bolts shall be used where subject to flooding. See Figure 7 in Section 1807 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2851 (November 2012).

#### §719. Size of Cleanouts

A. Pipes Less Than 8-inch Nominal Size. For pipes less than 8-inch nominal size, cleanouts shall be the same nominal size as the pipe to which they are connected.

1. Exceptions

a. Pipes larger than 4-inch nominal size may be served by a 4-inch cleanout;

b. A 1 1/4-inch "P" trap connected with slip joints or ground joint connections may be used to serve 1 1/2-inch pipe; and,

c. A 1 1/2-inch "P" trap connected with slip joints or ground joint connections may be used to serve a 2-inch pipe.

B. Pipes 8 Inches and Larger Nominal Size. For pipes 8 inches and larger nominal size, cleanouts shall comply with the following.

1. Building drains may be served with a 4-inch cleanout.

2. For building sewers 8 inches and larger, manholes shall be provided and located at each change in direction and at intervals of not more than 400 ft (121.9 m). Manholes and manhole covers shall conform to §717.G of this code.

3. Building drains 8-inch nominal size and larger shall have cleanouts located at intervals of not more than 100 ft (30.5 m) and at each change of direction over 45° (0.785 rad).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2851 (November 2012).

**§721. Cleanout Clearances**

A. Small Pipe. Cleanouts smaller than 3-inches shall be so installed that there is a clearance of not less than 12 inches (305 mm) for the purpose of rodding.

B. Large Pipe. Cleanouts on 3-inch or larger pipes shall be so located that there is a clearance of not less than 18 inches (457 mm) for the purpose of rodding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2852 (November 2012).

**§723. Fixture Units**

A. Values for Fixtures. Fixture unit values as given in Table 723.A of this code below designate the relative load weight of different kinds of fixtures which shall be employed in estimating the total load carried by a soil or waste pipe and shall be used in connection with the tables of sizes for soil, waste, and vent pipes for which the permissible load is given in terms of fixture units.

Table 723.A Fixture Units Per Fixture or Group				
Fixture Type	Private	Public	Assembly	Minimum Size of Trap (in)
Bathroom group consisting of a 1.6 GPF gravity tank, flushometer tank, or flushometer valve water closet, a small P.O. 1 1/4 lavatory, and a bathtub or shower or a combination bath/shower	6.0	7.0	9.0	
Bathroom group consisting of a 1.6 GPF gravity tank, flushometer tank, or flushometer valve water closet, a large P.O. 1 1/2 lavatory, and a bathtub or shower or a combination bath/shower	7.0	8.0	10.0	
Bathroom group consisting of a greater than 1.6 GPF gravity tank or flushometer valve water closet, a small P.O. 1 1/4 lavatory, and a bathtub or shower or a combination bath/shower	7.0	9.0	11.0	
Bathroom group consisting of a greater than 1.6 GPF gravity tank or flushometer valve water closet, a large P.O. 1 1/2 lavatory, and a bathtub or shower or a combination bath/shower	8.0	10.0	12.0	
Bathtub (with or without overhead shower) or whirlpool attachments (a showerhead over a bathtub or whirlpool bathtub attachments does not increase the fixture value)	2.0	2.0		2
Bidet	1.0			1 1/4
Bidet	2.0	2.0		1 1/2
Clothes Washer, domestic, standpipe	3.0	3.0	3.0	2
Clothes Washer, commercial, pumped waste		See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows.		
Clothes Washer, commercial, gravity waste		See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows.		
Combination sink and tray	3.0	3.0	3.0	1 1/2
Combination sink and tray with food disposal unit	4.0	4.0	4.0	Separate traps 1 1/2
Dental unit or cuspidor		1.0	1.0	1 1/4
Dental lavatory		1.0		1 1/4
Dishwashing machine, domestic (See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows)	2.0	2.0	2.0	1 1/2

Table 723.A Fixture Units Per Fixture or Group				
Fixture Type	Private	Public	Assembly	Minimum Size of Trap (in)
Dishwashing machine, commercial		See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows		
Drinking Fountain	0.5	0.5	1.0	1 1/4
Floor drains (Size of floor drain trap shall be determined by the area of the floor to be drained; therefore, for larger trap sizes, see Table 723.B of this code to determine the applicable fixture unit value. If the floor drain receives continuous or semi-continuous flows, utilize §723.C of this code to determine the fixture unit value)	1.0	2.0	2.0	2
Hub drains (When the hub drain is utilized as a direct or an indirect waste receptor for a fixture, any fixture unit value otherwise assigned to the particular fixture draining into the hub drain shall be used. If the hub drain receives continuous or semi-continuous flows, utilize §723.C of this code to determine the fixture unit value)	1.0	2.0	2.0	2
Kitchen sink, domestic	2.0	2.0		1 1/2
Kitchen sink, domestic with food waste grinder and/or dishwasher	3.0	3.0		1 1/2
Lavatory (Lavatories with 1 1/4 or 1 1/2-inch trap have the same load value; larger punch out (P.O.) plugs for the drain hole have greater flow rate)	1.0	1.0	1.0	Small P.O. 1 1/4
Lavatory (Lavatories with 1 1/4 or 1 1/2-inch trap have the same load value; larger punch out (P.O.) plugs for the drain hole have greater flow rate)	2.0	2.0	2.0	Large P.O. 1 1/2
Lavatory, barber, beauty parlor	2.0	2.0	2.0	1 1/2
Lavatory, surgeon's		2.0		1 1/2
Laundry tray (1 or 2 compartments)	2.0	2.0	2.0	1 1/2
Mobile/Manufactured Home, trailer trap	15.0			4
Shower stall, domestic	2.0	2.0	2.0	2
Showers (group) per head (See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows)		3.0	4.0	3
<b>Sinks</b>				
Bar, private, above grade	1.0			1 1/2
Clinical, 1.6 GPF		6.0	6.0	3
Clinical, greater than 1.6 GPF		8.0	8.0	3
Curbed Cleaning Facility		3.0	3.0	3
Floor, food service		4.0	4.0	2
Floor, bar service		2.0	2.0	2
Floor, other uses (See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows)				
Pot, scullery, etc. (See §§723.B and 723.C of this code for methods of computing unit value of fixtures not listed in this table or for rating of devices with intermittent flows)		4.0	4.0	1 1/2
Service (trap standard)		3.0	3.0	3
Service ("p" trap)		2.0	2.0	2
Surgeon's		3.0	3.0	1 1/2
Wash, (circular or multiple), normally used for hand washing, each set of faucets		2.0	3.0	Nominal 1 1/2
Wash, (circular or multiple), normally used for hand washing, no faucets (e.g., Superdome hand wash sinks in public toilet rooms)		2.0	3.0	Nominal 1 1/2
Travel Trailer, trailer trap	6.0			4
<b>Urinals</b>				
Exposed trap	2.0	2.0	5.0	1 1/2
Pedestal, siphon jet, blowout, greater than 1.0 GPF	6.0	8.0	10.0	Trap size shall be consistent with fixture type as defined in industry standards
Wall lip, integral trap, 1.0 GPF	2.0	2.0	5.0	Trap size shall be consistent with fixture type as defined in industry standards



Fixture Type	Private	Public	Assembly	Minimum Size of Trap (in)
Wall lip, integral trap, greater than 1.0 GPF	2.0	2.0	6.0	Trap size shall be consistent with fixture type as defined in industry standards
Washout, greater than 1.0 GPF	2.0	4.0	6.0	Trap size shall be consistent with fixture type as defined in industry standards
Water Closets,				
1.6 GPF Gravity Tank	3.0	4.0	6.0	Trap size shall be consistent with fixture type as defined in industry standards
1.6 GPF Flushometer Tank	3.0	4.0	6.0	Trap size shall be consistent with fixture type as defined in industry standards
1.6 GPF Flushometer Valve	3.0	4.0	6.0	
greater than 1.6 GPF Gravity Tank	4.0	6.0	8.0	Trap size shall be consistent with fixture type as defined in industry standards
greater than 1.6 GPF Flushometer Valve	4.0	6.0	8.0	Trap size shall be consistent with fixture type as defined in industry standards

B. Fixtures Not Listed. Fixtures not listed in Table 723.A of this code above shall be estimated in accordance with Table 723.B of this code below.

Fixture Drain or Trap Size (in)	Fixture-Unit Value
1 1/4 and smaller	1
1 1/2	2
2	3
3	5
4	6

C. Values for Continuous Flow. For a continuous or semi continuous flow into a drainage system, such as from a pump, pump ejector, air conditioning equipment, or similar device, 2 fixture units shall be allowed for each gallon per minute (gpm) of flow (31.7 fixture units for each liter per second of flow).

D. Air Conditioning Units. The condensate or waste from an air conditioning unit shall be classified as a plumbing fixture only if connected to the plumbing system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2852 (November 2012).

### §725. Drainage System Sizing

A. Maximum Fixture Unit Load. The maximum number of fixture units that may be connected to a given size of building sewer, building drain, or horizontal branch of the building drain shall be determined using Table 725.A.1 of this code below. The maximum number of fixture units that may be connected to a given size vertical soil or waste stack, or a horizontal branch connecting to a vertical soil or waste stack, is given in Table 725.A.2 of this code.

Maximum Number of Fixture-Units that may be Connected to Any Portion of the Building Drain or the Building Sewer (Includes branches of the building drain. The minimum size of any building drain serving a water closet shall be 3". No building sewer shall be less than 4 inches in size)				
Diameter of Pipe (in.)	Fall in Inches Per Foot			
	1/16	1/8	1/4	1/2
2	-	-	21	26
3	-	20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	-	180	216	250
5	-	390	480	575
6	-	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	2,000

Diameter of Pipe (in.) (The minimum size of any branch or stack serving a water closet shall be 3")	Any Horizontal Fixture Branch (Does not include branches of the building drain. 50 percent less for battery vented fixture branches, no size reduction permitted for battery vented branches throughout the entire branch length.)	Maximum Number of Fixture Units that May be Connected to:		
		One Stack of 3 Stories or 3 Intervals Maximum	More Than 3 Stories in Height	
			Total for Stack	Total at One Story or Branch Interval
1 1/4	1	2	2	1
1 1/2	3	4	8	2

Table 725.A.2 Horizontal Fixture Branches and Stacks				
Diameter of Pipe (in.) (The minimum size of any branch or stack serving a water closet shall be 3")	Any Horizontal Fixture Branch (Does not include branches of the building drain. 50 percent less for battery vented fixture branches, no size reduction permitted for battery vented branches throughout the entire branch length.)	Maximum Number of Fixture Units that May be Connected to:		
		One Stack of 3 Stories or 3 Intervals Maximum	More Than 3 Stories in Height	
			Total for Stack	Total at One Story or Branch Interval
2	6	10	24	6
3	20 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)	16 (not over two water closets)
4	160	240	500	90
5	360	540	1100	200
6	620	960	1900	350
8	1400	2200	3600	600
10	2500	3800	5600	1000
12	3900	6000	8400	1500
15	7000	---	---	---

B. Minimum Size of Soil and Waste Stacks. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

C. Future Fixtures. When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required sizes of drain pipes. Construction to provide for such future installation shall be terminated with a plugged fitting or fittings at the stack so as to form no dead end.

D. Underground Drainage Piping. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2854 (November 2012).

**§727. Offsets in Drainage Piping in Buildings of Five Stories or More**

A. Offsets of 45 Degrees or Less. An offset in a vertical stack, with a change of direction of 45° (0.785 rad) or less from the vertical, may be sized as a straight vertical stack. In case a horizontal branch connects to the stack within 2 ft (610 mm) above or below the offset, a relief vent shall be installed in accordance with §931.C of this code, except that when the offset stack is sized for a building drain (see

Column 5 in Table 725.A.1 of this code) the relief vent may be omitted.

B. Above Highest Branch. An offset above the highest horizontal branch is an offset in the stack vent and shall be considered only as it affects the developed length of the vent.

C. Below Lowest Branch. In the case of an offset in a soil or waste stack below the lowest horizontal branch, no change in diameter of the stack because of the offset shall be required if it is made at an angle of not greater than 45° (0.785 rad) from the vertical. If such an offset is made at an angle greater than 45° (0.785 rad) from the vertical, the required diameter of the offset and the stack below it shall be determined as for a building drain (See Table 725.A.1 of this code).

D. Offsets of More Than 45 Degrees. A stack with an offset of more than 45° (0.785 rad) from the vertical shall be sized as follows:

1. The portion of the stack above the offset shall be sized as for a regular stack based on the total number of fixture units above the offset;

2. The offset shall be sized as for a building drain (See Column 5 in Table 725.A.1 of this code);

3. The portion of the stack below the offset shall be sized as for the offset or based on the total number of fixture units on the entire stack, whichever is larger (See Column 4 in Table 725.A.2 of this code); and,

4. A relief vent for the offset shall be installed as provided in Chapter 9 of this code and in no case shall a horizontal branch connect within the offset or within 2 feet (610 mm) above or below the offset.

E. Omission of Offset Reliefs. Offset relief vents required by §727.D of this code may be omitted by sizing the stack and its offset one pipe size larger than required for a building drain (See Column 5 in Table 725.A.1 of this code) but in no case shall the entire stack and offset be of less cross-sectional area than that required for a straight stack plus the area of an offset relief vent as provided in §931.B of this code. Omission of relief vents in accordance with this Subsection shall not constitute approval of horizontal branch connections within the offset or within 2 feet (610 mm) above or below the offset. See §727.A of this code for offsets of 45° (0.785 rad) or less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2855 (November 2012).

**§729. Waste Stacks Serving Kitchen Sinks**

A. In a one or two family dwelling only in which the waste stack or vent receives the discharge of a kitchen sink and also serves as a vent for fixtures connected to the horizontal portion of the branch served by the waste stack, the minimum size of the waste stack up to the highest sink branch connection shall be 2-inch diameter. Above that point the size of the stack shall be governed by the total number of fixture units vented by the stack.

1. Note: The requirement/allowance under §729.A of this code is only applicable if the requirement of §905.C.1 of this code has been satisfied elsewhere on the building drain. When the requirement of §905.C.1 of this code has not been satisfied elsewhere on the building drain, then the entire

waste stack and vent mentioned in §729.A of this code shall be sized to conform to §905.C.1 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2855 (November 2012).

### §731. Sumps and Ejectors

A. Building Drains below Sewer. Building drains which cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building gravity drainage system by automatic pumping equipment or by any equally efficient method approved by the plumbing official.

B. Check and Gate Valve Required. A check valve and a gate valve shall be installed in the pump or ejector discharge piping between the pump or ejector and the gravity drainage system. Such valve shall be accessibly located above the sump cover required by §731.A of this code, or when the discharge pipe from the ejector is below grade<sub>(G)</sub>, the valves may be accessibly located outside the sump below grade<sub>(G)</sub> in an access pit with removable access cover.

C. Sewage Ejector Sump Construction. Sumps may be constructed of cast iron or monolithically poured reinforced concrete. When concrete sumps are used, a cover attachment ring shall be embedded in the concrete in such a way as to be watertight and gastight. The attachment ring shall be designed to fit the sump cover and allow a gastight and watertight seal to be made. Other engineered sump construction and materials may be accepted by the plumbing official when designed to be watertight and gastight and otherwise meet the requirements of this Section.

D. Venting. The system of drainage piping below the sewer level shall be installed and vented in a manner similar to that of the gravity system.

E. Duplex Equipment. Sumps receiving the discharge of more than six water closets shall be provided with duplex pumping equipment.

F. Vent Sizes. Building sump vents shall be sized in accordance with Table 937.B of this code but shall in no case be sized less than 1 1/2 inches.

G. Separate Vents. Vents from pneumatic ejectors or similar equipment shall be carried separately to the open air as a vent terminal (see §927.A of this code).

H. Connections. Direct connection of a steam exhaust, blowoff, or drip pipe shall not be made with the building drainage system. Waste water when discharged into the building drainage system shall be at a temperature not higher than 140°F (60°C). When higher temperatures exist, proper cooling methods shall be provided.

I. Pumping Station. Pumping stations shall comply with the following.

1. A pumping system shall include the sump pump, sump pit and discharge piping as specified below:

a. Sump Pump. An automatic water pump for the removal of drainage from a sump, pit or low point in a residential, commercial or industrial property. Capacity and head shall be appropriate to anticipated use requirements.

b. Sump Pit. The sump pit shall be not less than 18 inches (457 mm) diameter and 24 inches (610 mm) deep, unless approved by the plumbing official. The pit shall be accessible and located such that all drainage flows into the

pit due to gravity. The sump pit may be constructed of tile, concrete, steel, plastic or other approved materials. The pit bottom shall be solid and provide permanent support for the pump. The sump pit shall be fitted with a removable cover adequate to support anticipated loads in the area of use and to prevent refuse from entering the pit.

c. Discharge piping. Discharge piping shall meet the requirements of §731.B of this code.

2. Electrical service outlet when required shall meet the requirements of the NFPA 70 or local codes.

3. Sumps which receive and discharge liquid wastes or raw sewage from plumbing fixtures shall meet the applicable requirements of §731.C of this code.

J. Maximum Effluent Level. The effluent level control, etc., shall be adjusted and maintained to at all times prevent the effluent in the sump from rising to within 2 inches (51 mm) of the invert of the gravity drain inlet into the sump.

K. Ejector Connection to the Drainage System. Pumps when connected to the drainage system shall connect to the building sewer or shall connect to a wye fitting in the building drain a minimum of 10 ft (3048 mm) from the base of any soil stack, waste stack or fixture drain.

L. Macerating Systems. Macerating toilet systems shall comply with ASME A 112.3.4 and shall be installed per the manufacturer's instructions. The outlet piping from the grinder pump shall not be less than 3/4-inch and shall be fitted with a check valve and a full-flow gate or ball valve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2856 (November 2012).

### §733. Repairs to Drainage System via Re-route

A. In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be cut or otherwise disconnected from the entire drainage system. At the point of such cutting or disconnection, the entire circumference of the existing pipe which remains connected to the drainage system shall have a wall thickness of not less than 1/8-inch. The existing pipe which remains connected to the drainage system shall be sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2856 (November 2012).

### §735. Additional Provisions for Sanitary Drainage

A. Additional provisions for sanitary drainage are found in the following:

1. LAC 51:XIV.705.H, Installation of Building Sewers;

2. LAC 51:XIV.Chapter 13, Medical Facilities Plumbing Systems;

3. LAC 51:XIV.Chapter 15, Travel Trailers and Travel Trailer Parks;

4. LAC 51:XIV.Chapter 16, Mobile/Manufactured Homes and Mobile/Manufactured Home Parks; and

5. LAC 51:XIV.Chapter 17, Sewerage System Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2856 (November 2012).

**Chapter 8. Indirect and Special Wastes**

**§801. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, construction, and installation of indirect and special wastes systems.

B. Tests. The indirect and special waste system shall be tested in accordance with §319 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2857.

**§803. Material and Size**

A. The material and size of indirect waste piping shall be in accordance with the provisions applicable to sanitary drainage piping in Chapter 7 of this code. Acid and chemical indirect waste pipes shall be of materials unaffected by the discharge of such wastes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2857 (November 2012).

**§805. Indirect Waste Methods**

A. Air gap (drainage system). The air gap (drainage system) between the indirect waste and the building drainage system shall be at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm), and shall be provided by extending the indirect waste pipe to an open, accessible floor sink, service sink, floor drain, hub drain or other suitable fixture which is properly trapped and vented. The indirect waste pipe shall terminate a sufficient distance above the flood-level rim of the sink or receptor to provide the minimum required air gap and shall be installed in accordance with other applicable Sections of this code.

B. Air break (drainage system). The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2857 (November 2012).

**§807. Indirect Waste Connections**

A. Food Handling. Establishments engaged in the storage, preparation, selling, serving, processing or other handling of food shall have the waste piping from all food handling equipment indirectly connected to the drainage system through an air gap (drainage system) or air break (drainage system) as specified in §805 of this code. Food handling equipment includes but is not limited to the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; or similar equipment.

1. Exception. An air gap (drainage system) is the only acceptable method of indirectly connecting any food handling equipment wherein the indirect waste pipe may be under a vacuum.

B. Commercial Dishwashing Machines. Commercial dishwashing machines shall be indirectly connected.

C. Connections. The following types of connections shall be indirect waste connections in accord with the specifications stated below.

1. Water Supply Connections. Drains, overflows or relief lines from the water distribution system shall waste into an indirect waste receptor through an air gap (water distribution).

2. Air Conditioning Unit Connections. Indirect waste connections shall be provided for drains, overflows, or relief lines from air conditioning units.

D. Sterile Materials. Appliances, devices, or apparatus such as stills, sterilizers, and similar equipment, requiring water and waste connections and used for sterile material, shall be indirectly connected or provided with an air gap (drainage system) between the trap and the appliance.

E. Drips. Appliances, devices, or apparatus not regularly classed as plumbing fixtures but which have drips or drainage outlets shall be drained by indirect waste pipes discharging into an open receptacle as provided in §805 of this code.

F. Cleanliness. The sink or receptor receiving indirect wastes shall be water-supplied if the waste stream contains or is expected to contain a sufficient amount of organic matter capable of causing odors or otherwise causing a nuisance due to an insufficient dilution of the waste material discharged into the sink or receptor.

G. Receptors. Waste/plumbing receptors serving indirect waste pipe discharges shall meet the following requirements.

1. Installation. Waste receptors serving indirect waste pipes shall not be installed in any toilet room, nor in any inaccessible or unventilated space such as a closet or storeroom.

2. Strainers and Baskets. Every indirect waste receptor receiving discharge containing particles that would clog the receptor shall be equipped with a basket or other device which shall prevent passage into the drainage system of

solids 1/2-inch (12.7 mm) or larger in size. The basket or device shall be removable for cleaning purposes.

3. Splashing. All plumbing receptors receiving the discharge of indirect waste pipes shall be of such shape and capacity as to prevent splashing or flooding. No plumbing fixture which is used for domestic or culinary purposes shall be used to receive the discharge of an indirect waste pipe.

H. Clear Water Wastes. Water lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans or similar devices which waste clear water only, shall discharge into the building drainage system through an indirect waste.

I. Hot Water Drainage. A steam pipe shall not connect directly to any part of a drainage system, nor shall any water above 140°F (60°C) be discharged directly into any part of a drainage system.

J. Drinking Fountains. Drinking fountains may be installed with indirect wastes.

K. Swimming Pools. Piping carrying waste water from swimming or wading pools, including pool drainage, backwash from filters, water from scum gutter drains or floor drains which serve walks around pools, shall be installed as an indirect waste utilizing a circulation pump, if necessary, when indirect waste line is below the sewer grade<sub>(s)</sub>.

L. Residential Washing Machines (clothes washers). All residential washing machines shall connect to the building drainage system via an individual indirect waste pipe for each machine using one of the indirect waste methods specified in §805 of this code.

1. Any machines which discharge by gravity shall discharge into an adequately sized individual receptor, such as a floor sink. Such receptor/floor sink shall be properly trapped, vented, and directly connected to the drainage system.

M. Commercial Laundry Machines. All commercial laundry washing machines shall connect to the building drainage system via an individual indirect waste pipe for each machine using one of the indirect waste methods specified in §805 of this code.

1. Any machines which discharge by gravity shall individually discharge into an adequately sized receptor trough/pit or adequately sized individual receptors, such as floor sinks. Such receptor trough/pit or floor sinks shall be properly trapped, vented, and directly connected to the drainage system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2857 (November 2012).

### §809. Limitations

A. The following limitations/requirements shall apply to indirect waste pipes.

1. Indirect waste piping exceeding 2 ft (610 mm) long shall be trapped.

2. The maximum length of the indirect waste to indirect waste receptor shall not exceed 15-feet (4572 mm). Should an indirect waste pipe exceed 15 feet in length, a local vent shall be provided at a maximum of every 15 feet in length.

B. Cleaning. Indirect waste piping shall be so installed as to permit ready access for flushing and cleansing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2858 (November 2012).

### §811. Additional Provisions for Indirect and Special Wastes

A. Additional provisions for indirect and special wastes are found in the following:

1. LAC 51:XIV.Chapter 13, Medical Facilities Plumbing Systems;

2. LAC 51:XIV.Chapter 15, Travel Trailers and Travel Trailer Parks;

3. LAC 51:XIV.Chapter 16, Mobile/Manufactured Homes and Mobile/Manufactured Home Parks; and,

4. LAC 51:XIV.Chapter 17, Sewerage System Regulations;

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2858 (November 2012).

## Chapter 9. Vents

### §901. General

A. Scope. The provisions of this Chapter shall govern the materials, design, construction, and installation of vents.

B. Protection of Trap Seals. The protection of trap seals from siphonage or back pressure shall be accomplished by the appropriate use of soil or waste stacks, vents, revents, back vents, loop vents, circuit or continuous vents or combination thereof, installed in accordance with the requirements of this Chapter and the limitations set forth in §303.H.2 of this code.

C. Tests. The venting system shall be tested in accordance with §319.B of this code.

D. Engineered Systems. Engineered sanitary drainage and venting systems shall conform to the provisions of Chapter 12, Alternate Designed Plumbing Systems, of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2858 (November 2012).

### §903. Materials

A. Vents. Pipe, tubing, and fittings for the vent piping system shall comply with the provisions of Chapter 7 of this code.

B. Specific Type. Standards given in Table 703 of this code apply to the specific materials approved for use and as indicated in the various Sections in this Chapter.

C. Piping above Ground. Vent piping shall be of cast iron, galvanized steel, brass or copper pipe, copper tube of a weight not less than that of copper drainage tube Type DWV, and Schedule 40 plastic piping. Vent piping used in acid waste systems shall be of the same material used in the acid soil and waste piping (see §703.F of this code).

D. Piping Underground. Vent piping placed underground shall be of cast iron, copper tube of a weight not less than that of Type DWV, Schedule 40 plastic piping or heavy schedule borosilicate glass, provided that other materials may be used for underground vents when found adequate and installed as directed by the plumbing official. Vent piping used in acid waste systems shall be of the same

material used in the acid soil and waste piping (see §703.F of this code). Materials subject to corrosion shall be protected when installed in corrosive soil.

E. Fittings. Fittings shall be compatible to the type of pipe used in the vent system as required by §§903.B, 903.C and 903.D of this code.

1. Vent pipes installed less than 6 inches above the flood-level rim of fixture(s) served shall be installed with approved drainage fittings (i.e., short turn quarter bends shall be prohibited).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2858 (November 2012).

#### **§905. Vent Stacks**

A. Installation. A vent stack or main vent shall be installed with a soil or waste stack whenever back vents, relief vents or other branch vents are required in two or more branch intervals. No fixture shall be permitted to drain into any stack above any vent connection.

B. Terminal. The vent stack shall terminate independently above the roof of the building or shall be connected with the extension of the soil or waste stack (stack-vent) at least 6 inches (152 mm) above the flood-level rim of the highest fixture.

C. Main Stack. The main vent stack or stack vent shall comply with the following.

1. Every building in which plumbing is installed shall have at least one main vent stack or stack vent, of not less than 3-inch (76 mm) diameter, for each building drain, when connected separately to a building sewer, septic tank, or other sewage collection and/or disposal system approved by the state health officer. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof.

2. The main vent stack in a detached garage or other accessory building where only a washing machine or laundry tray is installed may be 1 1/2 inches (38 mm).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2859 (November 2012).

#### **§907. Vent Terminals**

A. Roof Extension. Extensions of vent pipes through a roof shall be terminated at least 6 inches (152 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 9 feet (2743 mm) above the roof or any structure where people may congregate.

B. Frost Closure. Where there is possibility of frost closure, the vent extension through a roof shall be at least 3-inch diameter. When it is found necessary to increase the size of the vent terminal, the change in diameter shall be made at least 1 foot (305 mm) inside the building.

C. Flashings. The juncture of each vent pipe with the roof line shall be made watertight by proper flashing (see §§303.G.1.b and 303.G.2.b of this code).

D. Flag Poling. Vent terminals shall not be used to support flag poles, TV aerials, or similar items, except when the piping has been anchored to the construction and approved as safe by the plumbing official.

E. Location of Vent Terminal. A vent terminal from a drainage system shall not be located directly beneath any door, window or other fresh air intake opening of the building or of an adjacent building, nor shall any such vent terminal be within 10 feet (3048 mm) horizontally of such an opening unless it is at least 2 feet (610 mm) above the top of such opening.

F. Extensions through Wall. Vent terminals extending through a wall shall terminate at least 6 inches (152 mm) above the roof and the opening shall face upward. Vent terminals shall not terminate under the overhang of the building.

G. Air Admittance Valves for Venting Plumbing Fixtures and Fixture Branches. Air admittance valves are not approved for venting of plumbing fixture traps.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2859 (November 2012).

#### **§909. Vent Grades<sub>(s)</sub> and Connections**

A. *Grade<sub>(s)</sub>*. All vent and branch vent pipes shall be so graded and connected as to drip back to the soil or waste pipe by gravity.

B. Vertical Rise. The vertical rise of vent pipes shall conform with the following.

1. Vertical Rise of Vent for a Horizontal Soil or Waste Pipe. Where vent pipes (including wet vent pipes) connect to a horizontal soil or waste pipe, the vent shall be taken off above the center line of the soil pipe, and the vent pipe shall rise vertically, or at an angle not exceeding 45° (0.785 rad) from the vertical, before offsetting horizontally.

2. Vertical Rise of Vent for a Vertical Soil or Waste Pipe. Where vent pipes connect at or below the lowest fixture connection, to a vertical soil or waste pipe, such vent shall be taken off at an angle not exceeding 45° (0.785 rad) to the vertical to a point at least 6 inches (152 mm) above the flood-level rim of the lowest fixture it is venting before offsetting horizontally.

C. Height Above Fixtures. A connection between a vent pipe and a vent stack or stack vent shall be made at least 6 inches (152 mm) above the flood-level rim of the highest fixture served by the vent. Horizontal vent pipes forming branch vents, relief vents, or loop vents shall be at least 6 inches (152 mm) above the flood-level rim of the highest fixture served.

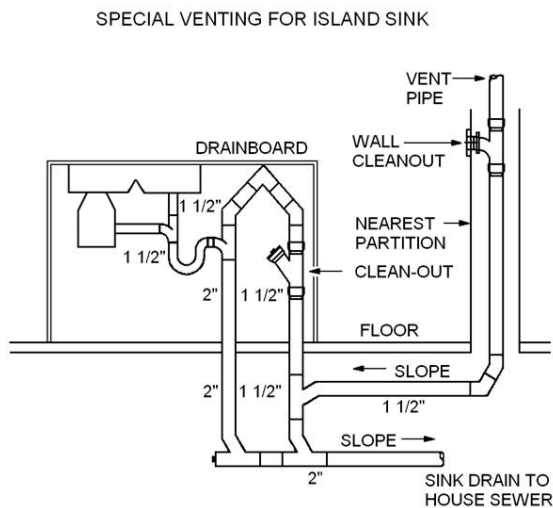
AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2859 (November 2012).

#### **§911. Bar and Fountain Sink Traps**

A. Traps serving sinks which are part of the equipment of island bars, island soda fountains, island counters and similar equipment need not be conventionally vented when the location and construction of such bars, soda fountains and counters make it impossible to do so. When these conditions exist, traps which are roughed in above the floor shall be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal branch

through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than 6 inches (152 mm) above the flood-level rim of the fixtures served. Vent pipes installed less than 6 inches above the flood-level rim of the sink shall be installed with approved drainage fittings in accordance with §903.E.1 of this code and a minimum slope of 1/4 inch per foot back to the drain shall be maintained. The return bend used under the drainboard shall be a 45-degree, a 90-degree and a 45-degree elbow in the order named. Pipe sizing shall be as elsewhere in this code. The island sink drain, upstream of the returned vent, shall serve no other fixtures. An accessible cleanout shall be installed on the vertical vent pipe under the drainboard and another cleanout should be installed in the vertical portion of the foot vent. (The cleanout recommended on the vertical portion of the foot vent shall be located at least 6 inches above the flood level rim of the sink but not more than 4 feet above the finish floor. Preferably, the vertical portion of the foot vent and its recommended cleanout shall be located on an outside wall with the cleanout accessible outside or, if this is not possible, behind a refrigerator, for example, such that the cleanout access is not aesthetically objectionable to the occupants.) For food service establishments, drainage shall be in accordance with §807.A of this code (see Figure 911.A of this code below).



**Figure 911.A—Special Venting for Island Sink**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

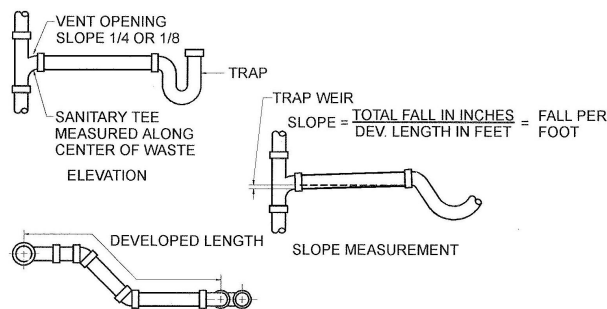
**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2859 (November 2012).

**§913. Fixture Vents**

**A. Distance of Trap from Vent.** Each fixture trap shall have a protecting vent so located that the slope and the developed length (see Figures 913.A and 913.C of this code) in the fixture drain from the trap weir to the vent fitting are within the requirements set forth in Table 913.A of this code, except as permitted by §923.A of this code. For water closets or other floor or wall mounted fixtures having an integral trap, the developed length shall be the distance from the

internal vent opening to the face of the flange to which the fixture is bolted or otherwise fastened.

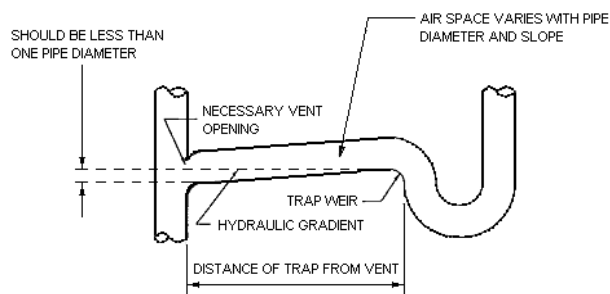
Table 913.A Distance of Fixture Trap from Vent			
Size of Fixture Drain (in)	Size of Trap (in)	Fall (in/ft)	Max. Distance From Trap
1 1/4	1 1/4	1/4	3 ft 6 in
1 1/2	1 1/4	1/4	5ft
1 1/2	1 1/2	1/4	5ft
2	1 1/2	1/4	6ft
2	2	1/4	6ft
3	3	1/8	10ft
4	4	1/8	12ft



**Figure 913.A—Distance of Fixture Trap from Vent**

**B. Trap Seal Protection.** The plumbing system shall be provided with a system of vent piping which will permit the admission or emission of air so that under normal and intended use the seal of any fixture trap shall not be subjected to a pressure differential of more than 1-inch of water (249 Pa).

**C. Location of Vent Opening.** The internal vent pipe opening from a soil or waste pipe, except for water closets and similar fixtures, shall not be below the top weir of the trap's outlet.



(NOTE: If the distance of the vent from the trap is excessive, the necessary vent opening will be below the trap weir and the trap will have a greater tendency to self-siphon)

**Figure 913.C—Location of Vent Opening**

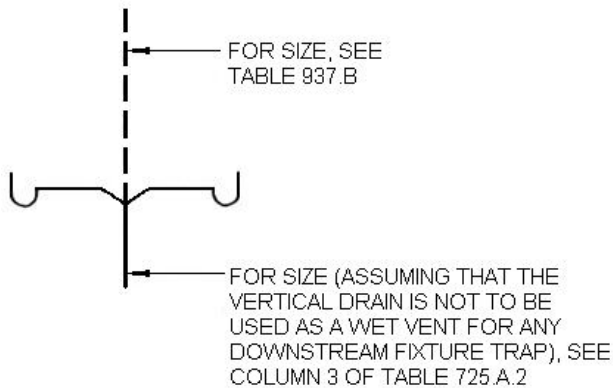
**D. Crown Vent.** A vent shall not be installed within 2 pipe diameters of the trap weir (see §1001.E.4 of this code).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2860 (November 2012).

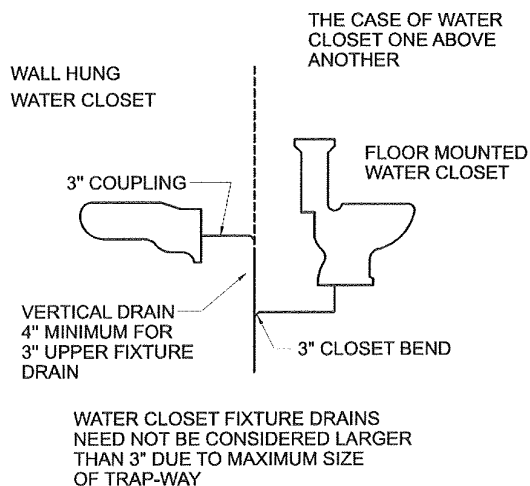
**§915. Common Vent**

A. Individual Vent. An individual vent, installed vertically, may be used as a common vent for two fixture traps when both fixture drains connect with a vertical drain at the same level. Also, see §311.C of this code in regards to double sanitary tee pattern limitations on fixtures or appliances with a pumping action discharge.



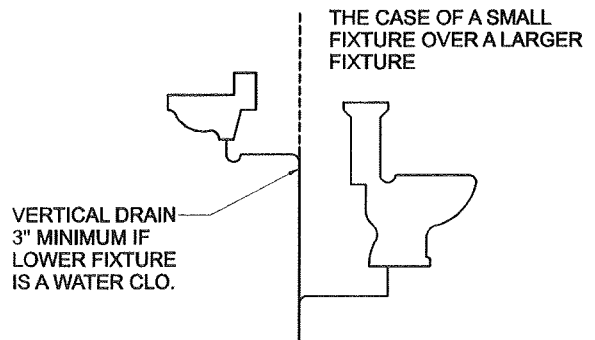
**Figure 915.A—Common Vent**  
(Fixtures Connecting at Same Level)

B. Fixtures on Same Floor Connecting at Different Levels in the Stack. A common vent may be used for two fixtures set on the same floor level but connecting at different levels in the stack, provided the vertical drain is one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain, whichever is the larger, and that both drains conform to Table 913.A of this code. A minor fixture, such as a lavatory, shall enter the common vent above a major fixture, such as a water closet [i.e., a minor (having less fixture units) over/upstream of a major (having more fixture units) rule]. See Figure 915.A, Figure 915.B, and Section 915.D of this code.



WATER CLOSET FIXTURE DRAINS  
NEED NOT BE CONSIDERED LARGER  
THAN 3" DUE TO MAXIMUM SIZE  
OF TRAP-WAY

**Figure 915.B (1 of 2)—Common Vent**  
(Fixtures Connecting at Different Levels)



IN ANY CASE THE VERTICAL DRAIN MUST  
BE ONE PIPE SIZE LARGER THAN THE UPPER  
FIXTURE DRAIN BUT IN NO CASE SMALLER  
THAN THE LOWER FIXTURE DRAIN

**Figure 915.B (2 of 2)—Common Vent**  
(Fixtures Connecting at Different Levels)

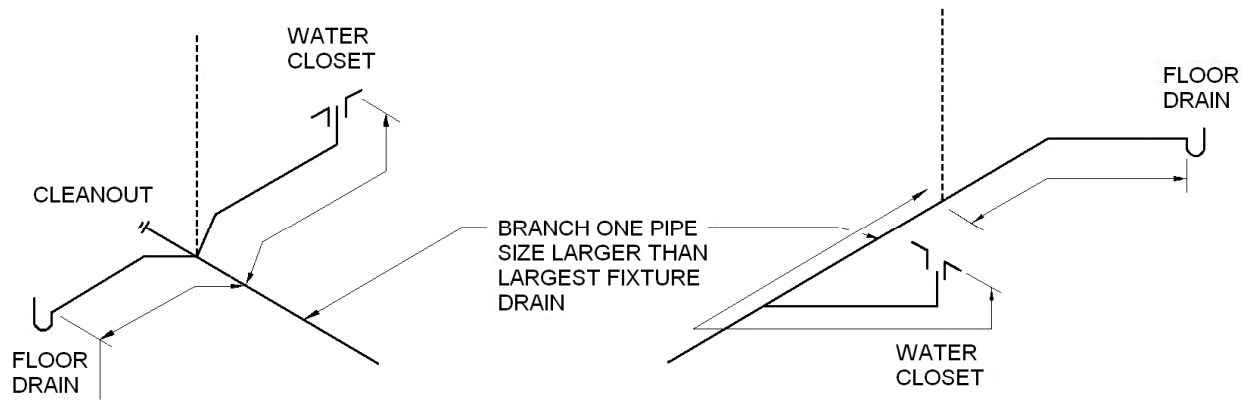
C. Distance. The maximum distance allowed between back-to-back or side-by-side fixture traps and their vent, when vented by a "common vent", shall be in accord with the requirements of §913.A of this code. In addition, the following shall apply.

1. Two fixtures set back-to-back, or side-by-side connected to a common horizontal branch within the distance allowed between a trap and its vent may be served with one continuous soil or waste vent-pipe, provided that each fixture wastes separately into an approved double fitting having inlet openings at the same level. The vent shall be installed in a vertical position at the interconnection of the fixture drains or downstream of the interconnection in accordance with the distance of trap from vent requirements in Table 913.A of this code. See left-hand depiction of Figure 915.C in this code.

2. When not more than two fixtures are set back-to-back or side-by-side, within the distance allowed between a trap and its vent, they may be connected to a common horizontal branch served by a common vertical vent located between the two fixtures, provided the branch is one pipe size larger than either of the fixture drains, except as permitted by §923.A of this code. This vent shall not serve as a waste for any other fixture. A minor fixture, such as a floor drain, shall enter the common horizontal branch served by a common vertical vent upstream of a major fixture, such as a water closet [i.e., a minor (having less fixture units) over/upstream of a major (having more fixture units) rule]. See right-hand depiction of Figure 915.C in this code.







ALL MEASUREMENTS ALONG THE CENTER LINE

Figure 915.C—Common Vent  
(Distance between Trap and Vent)

D. For the purpose of this Section, 3-inch (76 mm) or 4-inch (102 mm) floor or shower drains, up to and including 4-discharge fixture unit (dfu) water closets or pedestal urinals shall be considered as having 3-inch (76 mm) drains. For more than two fixtures on a common horizontal branch, see §925.A (Battery Venting) of this code.

1. Certain water closets and other plumbing fixtures (such as clinical sinks, flushing rim service sinks, etc.), in either public use or assembly use, have ratings exceeding 4 dfu. In such case, the horizontal branch serving such water closets or other plumbing fixtures shall be a minimum of 5-inch (127 mm) in diameter when a common vertical vent is used, as provided in §915.C.2 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2861 (November 2012).

#### §917. Vents for Fixture Trap below Trap Weir/Fixtures Entering at Different Levels

A. Hydraulic Gradient. Fixture drains shall be vented within the hydraulic gradient between the top weir of the trap's outlet and the internal opening of the vent connection, but in no case shall the unvented drain exceed the distance provided for in Table 913.A of this code. See §913.C of this code.

B. Different Levels. If any single branch interval has fixtures entering the stack at different vertical levels, the fixtures other than the fixture entering at the highest level shall be individually vented, except as may be otherwise permitted in other Sections of this Chapter. See §§915.B, 921.A, 923.C, and 925.C of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2862 (November 2012).

#### §919. Wet Venting

A. Single Bathroom Groups. A single bathroom group of fixtures may be installed with the drain from a back vented lavatory serving as a wet vent for a bathtub or shower stall and for the water closet, provided that the wet vent is one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain, whichever is the larger, and that both fixture drains conform to Table 913.A of this code. No urinal exceeding 2.0 dfu or washing machine drain shall discharge into any wet vent. A minor fixture, such as a bathtub or shower, shall enter the wet vent/drain pipe upstream of a major fixture, such as a water closet [i.e., a minor (having less fixture units) over/upstream of a major (having more fixture units) rule]. The dry vent servicing the wet vent shall be sized based upon the developed length and the total fixture units connected thereto in accord with §937.B and Table 937.B of this code. (Note: Per the definition of "wet vent", the wet vent terminates at the connection with the water closet's fixture drain. If the water closet is being vented by a method other than the wet vent, the wet vent terminates where it connects to the stack, the lowest or most downstream fixture drain, or where it connects to a separate horizontal branch line or the building drain, as appropriate.)

B. Double Bath. Bathroom groups back-to-back on the top floor consisting of two bathtubs or shower stalls may be installed on the same horizontal branch with a common vent for the lavatories with no back vent for the water closets, bathtubs or shower stalls, provided that the wet vent is one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain, whichever is the larger, and that both fixture drains conform to Table 913.A of this code. No urinal exceeding 2.0 dfu or washing machine drain shall discharge into any wet vent. A minor fixture, such as a bathtub or shower, shall enter the wet vent/drain pipe upstream of a major fixture, such as a water closet [i.e., a

minor (having less fixture units) over/upstream of a major (having more fixture units) rule]. The dry vent servicing the wet vent shall be sized based upon the developed length and the total fixture units connected thereto in accord with §937.B and Table 937.B of this code.

NOTE: Per the definition of *wet vent*, the wet vent terminates at the connection with the water closet's fixture drain. If the water closet is being vented by a method other than the wet vent, the wet vent terminates where it connects to the stack, the lowest or most downstream fixture drain, or where it connects to a separate horizontal branch line or the building drain, as appropriate.

C. Multistory Bathroom Groups. On the lower floors of a multistory building, the waste pipe from one or two lavatories may be used as a wet vent for one or two bathtubs or showers provided that:

1. the wet vent and its extension to the vent stack is not less than 2-inch (51 mm) diameter;
2. each water closet below the top floor is individually back vented;
3. the vent stack is sized in accordance with Table 919.C of this code; and,
4. the lowest wet vent shall be sized for the total bathtubs or showers connected to the stack but in no case shall the wet or dry portion of the lowest vent be less than required for the vent stack itself.

Table 919.C Size of Vent Stack	
Number of Wet Vented Fixtures	Diameter of Vent Stacks (In.)
1 or 2 bathtubs or showers	2
3 to 5 bathtubs or showers	2 ½
6 to 9 bathtubs or showers	3
10 to 16 bathtubs or showers	4

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2862 (November 2012).

**§921. Stack Venting**

A. Fixture Groups. A single bathroom group of fixtures, consisting of a water closet, lavatory, shower or tub, and a kitchen sink (with disposal and dishwasher) located back-to-back to the bathroom, or two bathrooms back-to-back each consisting of one toilet, lavatory, shower or tub may be installed without individual fixture vents in a one story building or on the top floor of a building provided each fixture drain connects independently to the stack and that the tub and/or shower and water closet enter the stack at the same level and in accordance with the requirements in Table 913.A of this code. The wet vent portion of the stack vent shall be one pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain, whichever is the larger.

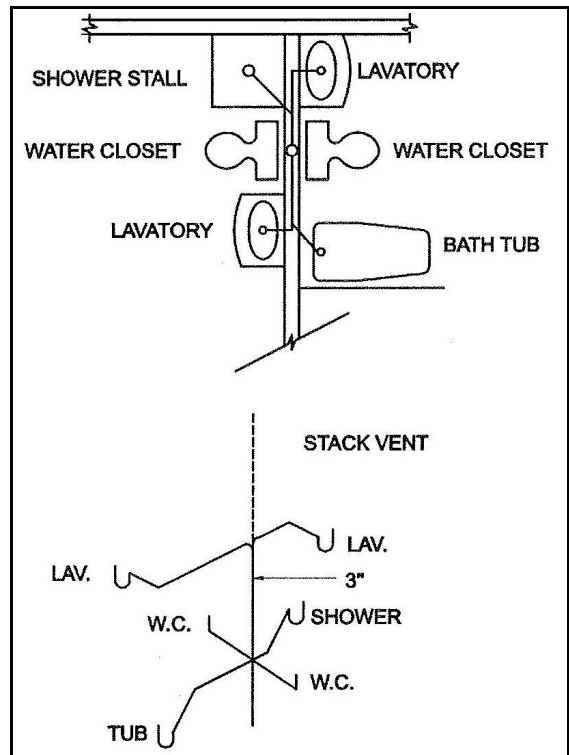
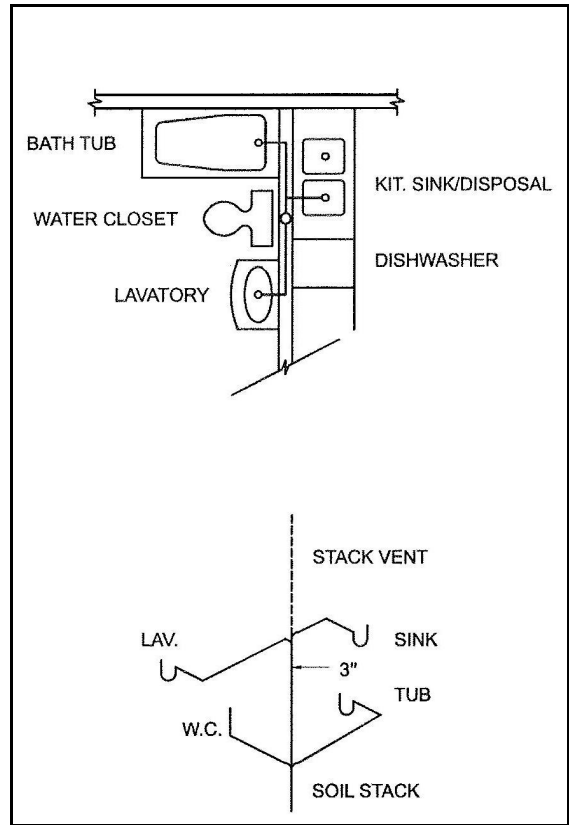


Figure 921.A—Stack Venting

B. Lower Floors. The lower floors of multistoried buildings may also be vented as in §921.A of this code provided that a separate wye and upright one-eighth bend is installed in the stack and that the stack group is installed above the one-eighth bend and that at least a 2-inch (51 mm) diameter vent is installed 6 inches (152 mm) above the flood level of the highest fixture in the stack group. See Figure 921.B of this code below.

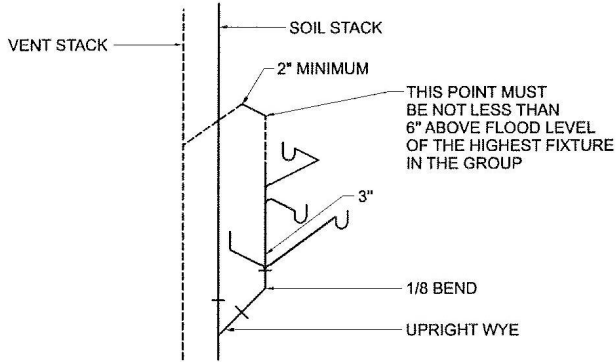


Figure 921.B—Stack Venting Lower Floors

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2863 (November 2012).

**§923. Individual Fixture Reventing**

A. Horizontal Branches. A horizontal waste branch meeting the following criteria shall effectively provide an exception to the need for a revent pipe(s).

1. Provided:
  - a. the horizontal branch is full size throughout its length;
  - b. each fixture drain enters the horizontal branch via a wye and 1/8th bend or a combination wye and 1/8th bend;
  - c. the wastes are connected with a pitch of not more than 1/4 inch per foot (21 mm per meter);
  - d. that a 2-inch "P" trap shall be the minimum for tubs and showers;
  - e. the waste openings in the horizontal branch shall not be less than 1 1/4 inches for lavatories and 1 1/2 inches for a sink; and,
  - f. that one drinking fountain shall be considered as one lavatory; then, without the use of reventing:
    - i. one sink and one lavatory, or one tub, or one shower, or three lavatories within 8 feet (2438 mm) developed length of a main vented line may be installed on a 2-inch horizontal waste branch; or,
    - ii. two lavatories within 5 feet (1524 mm) developed length of a main vented line may be installed on a 1 1/2-inch horizontal waste branch.

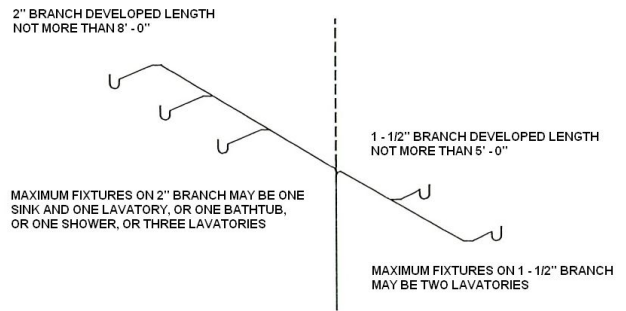


Figure 923.A

B. Where Required. All fixtures discharging downstream from a water closet shall be individually vented.

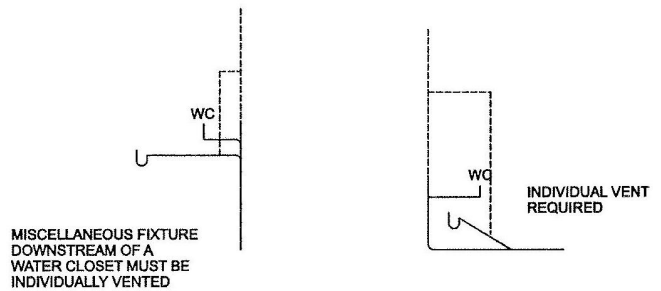


Figure 923.B—Required Individual Vents

C. Limits of Fixture Units Above Bathtubs and Water Closets. Up to a total of three fixture units may be placed on a soil or waste stack on floors above the highest water closet or bathtub connection without the use of a revent pipe(s) provided:

1. the soil or waste stack is not less than 3-inch diameter;
2. the total fixture unit load on the stack does not exceed the limitations of Table 725.A.2 of this code;
3. the largest fixture drain opening into the stack does not exceed the nominal diameter of the trap of the fixture to be connected except as permitted in §923.A of this code. Such opening for multiple fixture connections shall be limited to use on one floor only;

4. each fixture above the highest tub or water closet is no farther from the stack than permitted in Table 913.A of this code; and,

5. all fixtures on lower floors are vented as otherwise required by this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2864 (November 2012).

#### **§925. Battery Venting**

A. A branch soil or waste pipe of uniform diameter throughout its length, to which are connected in battery a maximum of eight floor-level fixtures [floor outlet water closets, back outlet water closets (provided they connect horizontally into the battery vented section), floor drains, bathtubs, and showers] and which do not exceed 50 percent of the fixture units allowed by column two of Table 725.A.2 of this code, may be vented by a circuit or loop vent system connected downstream of the most upstream fixture drain (between the two uppermost fixture drains). In addition, battery vented branches on the top floor of a building and serving three or more fixtures shall be provided with a relief vent connected immediately downstream of the first downstream fixture connection of the battery vented section. When a battery vented branch is installed below the uppermost floor of the building, regardless of the number of fixtures served, it shall be provided with a relief vent connected immediately downstream of the first downstream fixture connection of the battery vented section. When lavatories or similar fixtures having a fixture unit rating of four or less and a maximum 2-inch fixture drain discharge from above such branches, each vertical branch shall be provided with a continuous vent. Such fixtures shall be located on the same floor as the battery vented group and the waste from such fixtures is required to enter the battery vented section from the horizontal. Fixtures having fixture unit ratings greater than four shall not discharge into such branch from above unless all fixtures in the battery group are individually vented. Fixtures from an upper floor or from an adjoining or other room(s) or space(s) (other than back-to-back installations, for example, back-to-back to bathrooms) shall not discharge into a battery vented branch. Floor level fixtures, including but not limited to floor drains, discharging downstream from a water closet shall be individually vented (see §925.C.5 of this code). Each fixture drain/trap which is connected to a battery vented soil or waste pipe branch shall conform with the distance of trap from vent requirements in Table 913.A of this code. The developed length distance from the weir of the trap or the flange of the water closet to the battery vented soil or waste pipe branch shall be used to determine compliance with Table 913.A of this code.

1. Exception. The relief vent, connected immediately downstream of the first downstream fixture connection of the battery vented section, may be omitted on a top floor installation of a battery vented section provided a stack vent or vent stack is located downstream of the first downstream horizontal fixture connection.

B. Vent Connections. Any vent or vents on the battery vented section shall be taken off from the vertical or at an angle not exceeding 45 degrees from the vertical in conformity with §909.B.1 of this code.

1. In addition, if a fixture having a fixture unit rating of four or less and a maximum 2-inch fixture drain discharge wastes into either the upper vent or the downstream relief vent of a battery vented section, the wet portion of such vent shall not be smaller than the horizontal battery branch.

a. Exception. The vent branch connection may be taken off horizontally provided it is washed by not more than four fixture units, other than water closets, and the wet portion of the vent is not smaller than the horizontal battery branch.

C. Fixtures Back-to-Back in Battery (see Figure 925.C of this code). Fixtures installed back-to-back in a battery vented system shall comply with the following.

1. A fixture connected to a horizontal branch through a vertical drain and a sanitary tee shall be vented in accordance with §913.A of this code.

2. Back-to-back fixtures connected to a horizontal branch through a single vertical drain shall enter the vertical drain through a sanitary cross, and a common vent for each two fixtures shall be provided. The common vent shall be installed as a continuation of the vertical drain.

3. A fixture connected to a horizontal branch through a wye or combination wye and one-eighth bend installed in a horizontal position need not be individually vented.

4. Back-to-back fixtures connected to a horizontal branch through a double wye or combination double wye and one-eighth bend installed in the horizontal position need not be provided with a common vent at the connection to the horizontal branch, except for the last two fixtures upstream. The vent shall be installed in a vertical position at the interconnection of the fixture drains or downstream of the interconnection in accordance with the distance of fixture trap from vent requirements in Table 913.A of this code.

5. In spite of §§925.C.3 and 925.C.4 of this code, the following floor level fixtures discharging downstream from a water closet shall be individually vented:

- a. floor drains;
- b. bathtubs;
- c. showers;
- d. floor sinks;
- e. curbed cleaning facilities (i.e., floor-level mop sinks); and,
- f. similar type fixtures.

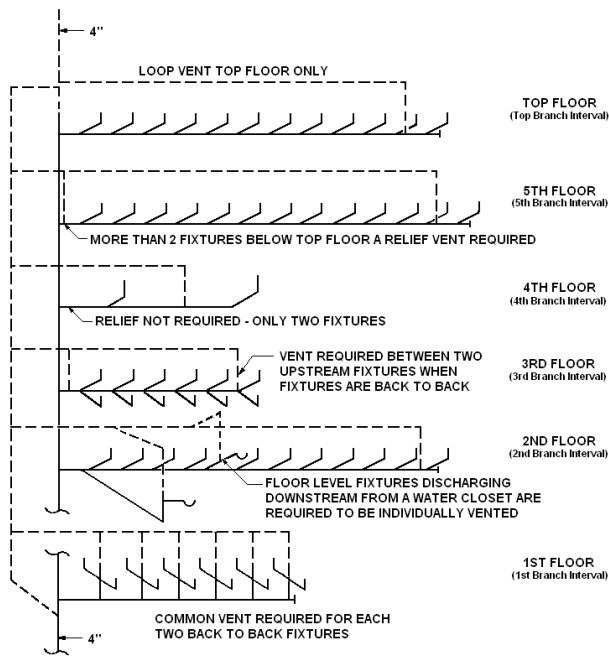


Figure 925.C—Battery Venting

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2865 (November 2012).

### §927. Pneumatic Ejectors

A. Relief vents from a pneumatic ejector shall be carried separately to the open air.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

### §929. Yoke Vents—Stacks of More Than 10 Branch Intervals

A. Soil and waste stacks in buildings having more than 10 branch intervals shall be provided with a yoke vent at each tenth interval installed, beginning with the top floor. The size of the yoke vent shall be equal to the size of the vent stack to which it connects. The lower end of each yoke vent shall connect to the soil or waste stack through a wye below the horizontal branch serving the floor, and the upper end shall connect to the vent stack through a wye not less than 3 feet (914 mm) above the floor and not less than 6 inches above the flood-level rim of the highest fixture served on the floor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

### §931. Offset Vents

A. General. In buildings five or more stories in height, offsets in vertical drainage piping having less than a 45° (0.785 rad) slope shall be vented in accordance with §931.B or §931.C, except as otherwise permitted by §727 of this code.

B. Separate Venting. Such offsets may be vented as two separate soil or waste stacks, namely the stack section below the offset and the stack section above the offset.

C. Offset Reliefs. Such offsets may be vented by installing a relief vent as a vertical continuation of the lower section of the stack or as a side vent connected to the lower section between the offset and next lower fixture or horizontal branch. The upper section of the offset shall be provided with a yoke vent. The diameter of the vents shall be not less than the diameter of the main vent, or of the soil and waste stack, whichever is the smaller.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

### §933. Main Vents to Connect at Base

A. All main vents or vent stacks shall connect full size at their base to the building drain within 10 pipe diameters of the main soil or waste pipe or to the main soil or waste pipe, at or below the lowest fixture branch. All vent pipes shall extend undiminished in size to the vent terminal, or shall be reconnected with the main soil or waste vent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

### §935. Vent Headers

A. Stack vents and vent stacks may be connected into a common vent header at the top of the stacks and then terminate as required by this Chapter. This header shall be sized in accordance with the requirements of Table 937.B of this code, the number of units being the sum of all units on all stacks connected thereto, and the developed length being the longest vent length from the intersection at the base of the most distant stack to the vent terminal as a direct extension of one stack.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

### §937. Size and Length of Vents

A. Length of Vent Stacks. The length of the vent stack or main vent shall be its developed length from the lowest connection of the vent system with the soil stack, waste stack, or building drain to the vent stack terminal, if it terminates separately, or to the connection of the vent stack with the stack vent, plus the developed length of the stack-vent from the connection to the terminal, if the two vents are connected together with a single extension.

B. Size of Stack-Vents, Vent Stacks, Relief Vents, Individual Vents or Branch Vents. The diameter of a stack-vent, vent stack, relief vent, individual vent or branch vent shall not be less than one-half of the diameter of the drain served, but in no case less than 1 1/4 inches, and shall be determined from its length and the total of fixture units connected thereto, as provided in Table 937.B of this code. All water closets vents shall be a minimum of 2 inches in diameter. This shall not be interpreted to allow the alteration or elimination of the need for at least one 3-inch vent stack or stack vent on the building drain as required under §905.C.1 of this code.

C. Size of Battery Vents. The diameter of a battery vent shall be not less than one-half the pipe size of the horizontal waste line it is venting, but in no case less than 1 1/2 inches,

and shall be determined from its length and the total of fixture units connected thereto, as provided in Table 937.C of this code. The diameter and horizontal length of a battery

vent shall in no case be less than permitted in Table 937.C of this code. (See §925 of this code).

Table 937.B Maximum Length of Vents (ft) (Other than Battery Vents) (See Table 937.C of this Code for Battery Venting)										
Size of Soil or Waste Stack (in)	Fixture Units Connected	Diameter of Vent Required (in)								
		1 1/4	1 1/2	2	2 1/2	3	4	5	6	8
1 1/4	2	30 ft	-	-	-	-	-	-	-	-
1 1/2	8	50 ft	150 ft	-	-	-	-	-	-	-
1 1/2	10	30 ft	100 ft	-	-	-	-	-	-	-
2	12	30 ft	75 ft	200 ft	-	-	-	-	-	-
2	20	26 ft	50 ft	150 ft	-	-	-	-	-	-
2 1/2	42	-	30 ft	100 ft	300 ft	-	-	-	-	-
3	10	-	30 ft	100 ft	200 ft	600 ft	-	-	-	-
3	30	-	-	60 ft	200 ft	500 ft	-	-	-	-
3	60	-	-	50 ft	80 ft	400 ft	-	-	-	-
4	100	-	-	35 ft	100 ft	260 ft	1000 ft	-	-	-
4	200	-	-	30 ft	90 ft	250 ft	900 ft	-	-	-
4	500	-	-	20 ft	70 ft	180 ft	700 ft	-	-	-
5	200	-	-	-	35 ft	80 ft	350 ft	1000 ft	-	-
5	500	-	-	-	30 ft	70 ft	300 ft	900 ft	-	-
5	1100	-	-	-	20 ft	50 ft	200 ft	700 ft	-	-
6	350	-	-	-	25 ft	50 ft	200 ft	400 ft	1300 ft	-
6	620	-	-	-	15 ft	30 ft	125 ft	300 ft	1100 ft	-
6	960	-	-	-	-	24 ft	100 ft	250 ft	1000 ft	-
6	1900	-	-	-	-	20 ft	70 ft	200 ft	700 ft	-
8	600	-	-	-	-	-	50 ft	150 ft	500 ft	1300 ft
8	1400	-	-	-	-	-	40 ft	100 ft	400 ft	1200 ft
8	2200	-	-	-	-	-	30 ft	80 ft	350 ft	1100 ft
8	3600	-	-	-	-	-	25 ft	60 ft	250 ft	800 ft
10	1000	-	-	-	-	-	-	75 ft	125 ft	1000 ft
10	2500	-	-	-	-	-	-	50 ft	100 ft	500 ft
10	3800	-	-	-	-	-	-	30 ft	80 ft	350 ft
10	5600	-	-	-	-	-	-	25 ft	60 ft	250 ft

Table 937.C Battery Vent Sizing Table Maximum Horizontal Length (ft)							
Soil or waste pipe diam. (in)	Maximum no. Fixture units	Diameter of circuit or loop vent (in)					
		1 1/2	2	2 1/2	3	4	5
2	3	15 ft	40 ft	-	-	-	-
2 1/2	6	10 ft	30 ft	-	-	-	-
3	10	-	20 ft	40 ft	100 ft	-	-
4	80	-	7 ft	20 ft	52 ft	200 ft	-
5	180	-	-	-	16 ft	70 ft	200 ft

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2866 (November 2012).

**§939. Additional Provisions**

A. Additional provisions for vents are contained in Chapter 13, Medical Facilities Plumbing Systems of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2867 (November 2012).

**§941. Additional Information**

A. Additional information for vents is contained in Chapter 18 (Appendices) and §1807 (Appendix C,

Illustrations) of this code. Such additional information in Chapter 18 of this code shall not be construed as superceding any pertinent regulation(s) contained in LAC Chapters 1-17 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2867 (November 2012).

**Chapter 10. Traps**

**§1001. General**

A. Scope. The provisions of this Chapter shall govern the materials and installation of traps.

B. Trap Seal. Each fixture trap shall have a water seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), except where a deeper seal is required by the plumbing official for special conditions.

C. Trap Level and Protection. Traps shall be set level with respect to their water seals.

D. Traps Underground. Underground traps, except "P" traps into which floor drains with removable strainers discharge, shall be provided with accessible and removable cleanouts.

E. Prohibited Traps. The following traps (or types of traps) are prohibited from use:

1. a trap which depends for its seal upon the action of movable parts;
2. "S" traps;
  - a. Exception. Water closets, clinical sinks, urinals and similar fixtures shall be allowed to be "S" trapped if the fixture has an integral trap which is automatically and properly refilled using an approved device.
3. bell traps;
4. crown-vented traps (see §913.D of this code);
5. baffled or partition traps other than stainless steel, glass, plastic or similar corrosion resistant materials;
6. tubular metallic traps of less than 20 gage [0.0320 inch (0.813 mm)] thickness; and,
7. running traps.
  - a. Exceptions
    - i. A running trap with cleanout may be allowed on condensate waste lines (see §1305.I of this code).
    - ii. A running trap may be authorized for certain floor level fixtures installed on a Combination Waste and Vent System when plans and specifications have been specially approved by the state health officer under the requirements of Chapter 12 (Alternate Designed Plumbing Systems) of this code. See guidance for same under §1811.C.4 of this code.

F. Double Trapping. A fixture shall not be double trapped.

1. Exception. Fixtures in mobile/manufactured homes and travel trailers are allowed to be double trapped when a trailer trap is required to be placed in the building sewer/sewer lateral as per §1003.E, §1515.J, §1523.A, §1613.J or §1623.A of this code.

G. Unions (Threaded). Unions may be used in the trap seal and on the inlet side of the trap. Unions shall have metal-to-metal seats.

H. Fixture Trap Required, Location, and Number of Traps Per Fixture. The requirement for a fixture trap and the number of traps per fixture shall be in conformance with the following.

1. Plumbing fixtures, excepting those having integral traps, shall be separately trapped by a water seal trap, placed as close to the fixture outlet as possible.
2. A combination plumbing fixture may be installed on one trap, if one compartment is not more than 6 inches (152 mm) deeper than the other and the waste outlets are not more than 30 inches (762 mm) apart.
3. One trap may be installed for a set of not more than three single-compartment sinks or laundry trays or three lavatories immediately adjacent to each other in the same room, if the waste outlets are not more than 30 inches (762 mm) apart and the trap is centrally located when three compartments are installed.

I. Distance of Trap Weir from Fixture Outlet. The vertical distance from the fixture outlet to the trap weir, or from the outlet of an integrally trapped water closet or similar fixture to the horizontal piping connecting the fixture to its vent, shall not exceed 24 inches (610 mm).

1. Exception. Washing Machine Pumped Waste Drain. The vertical distance from the vertical standpipe inlet receiving the pumped waste discharge from a washing machine (laundry) to the trap weir shall be a minimum of 30 inches (762 mm) and a maximum of 48 inches (1219 mm), with the vertical standpipe inlet terminating a minimum of 34 inches (864 mm) above finished floor or in accordance with the manufacturer's recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2867 (November 2012).

### §1003. Type and Size of Traps and Fixture Drains

A. Trap Size. The size (nominal diameter) of a trap for a given fixture shall be sufficient to drain the fixture rapidly but in no case less than given in Table 723.A of this code.

B. Relation to Fixture Drains. A trap shall not be larger than the fixture drain to which it is connected.

C. Type of Traps. Traps shall conform with the following requirements.

1. Fixture traps shall be self-cleaning, other than integral traps and drum traps, without partitions or movable parts, except as specifically approved in other Sections of this Chapter.

2. Slip joints may be used on both sides of the trap and in the trap seal.

3. A trap which is integral with the fixture shall have a uniform interior and a smooth waterway.

D. Drum Traps. The use of drum traps shall comply with the following requirements:

1. Drum traps shall be limited to special fixtures wherein the capture of solids (e.g., broken teeth, fillings, etc., from dental cuspidors) is desired so that such solids can be removed before they escape into the downstream drainage system. Drum traps are subject to approval by the plumbing official. The body of the drum trap shall be not less than 4-inch diameter and shall have a water seal of not less than 2 inches (51 mm).

2. The trap screw of the drum trap/drum trap cover shall be one size less than the body of the drum trap's diameter.

E. Trailer Traps. Mobile/manufactured homes and travel trailers shall be provided with a trailer trap in the building sewer/sewer lateral immediately downstream of the mobile/manufactured home or travel trailer drain outlet connection. The trailer trap shall be individually vented and the vent shall be located downstream of the trap at a distance in accord with Table 913.A, Section 913.D and Section 1001.E.4 of this code. Running traps are prohibited for this installation. See diagram under §1523.A or §1623.A of this code.

1. Exception. The trailer trap for a mobile/manufactured home or travel trailer is not required to be provided with an individual vent if the



mobile/manufactured home or travel trailer is connected to a park drainage system constructed in accord with §1613.G or §1515.G of this code and the building sewer/sewer lateral is no longer than 30 feet (9144 mm) from the main park drainage sewer main. For this individual vent exception to

apply, the building sewer/sewer lateral shall enter the main park drainage sewer main on the horizontal such that an "S" trap or an effective "S" trap is not created. See §§1515.J and 1613.E.1 of this code.

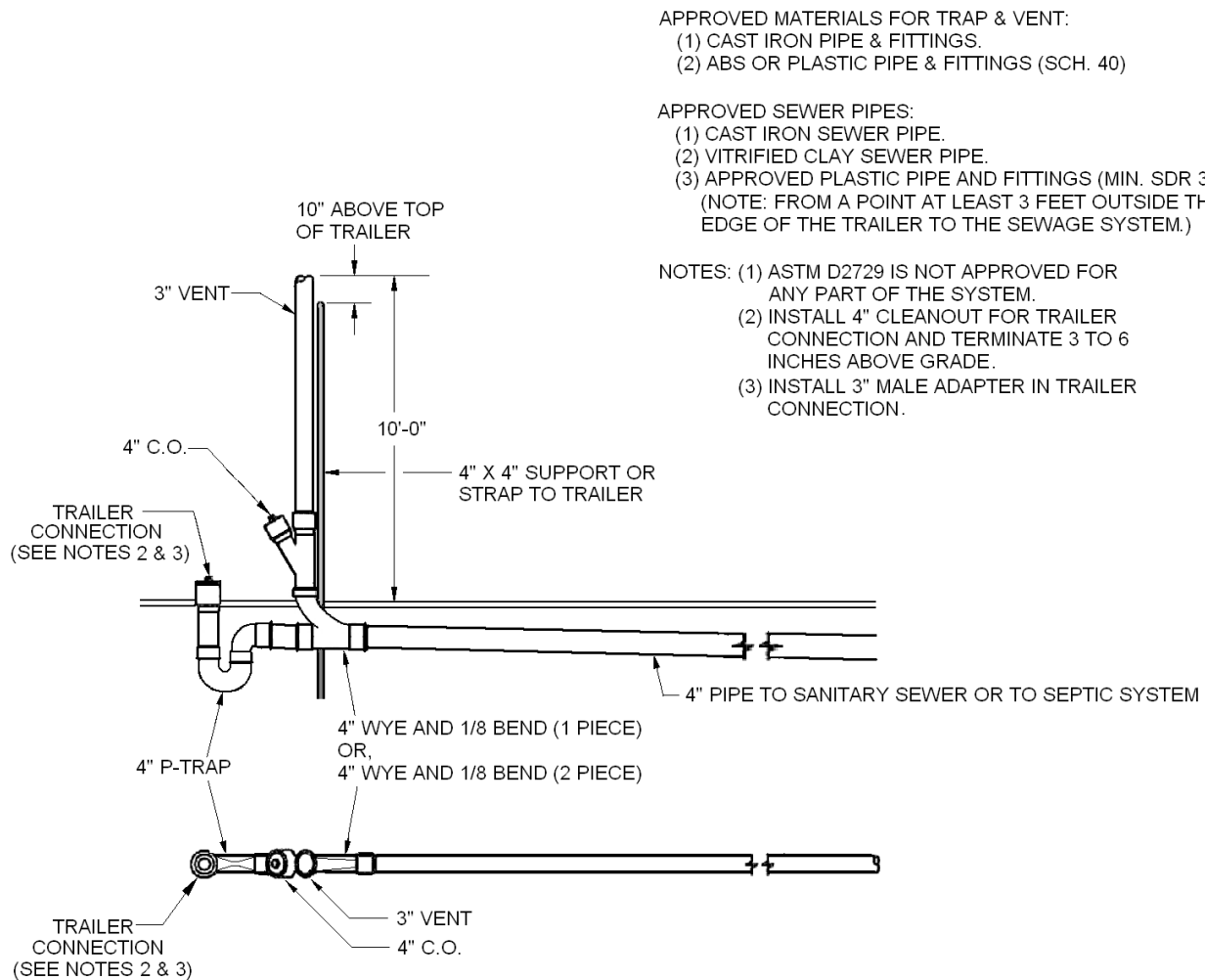


Figure 1003.E—Trailer Trap and Vent

APPROVED MATERIALS FOR TRAP & VENT:

- (1) CAST IRON PIPE & FITTINGS.
- (2) ABS OR PLASTIC PIPE & FITTINGS (SCH. 40)

APPROVED SEWER PIPES:

- (1) CAST IRON SEWER PIPE.
  - (2) VITRIFIED CLAY SEWER PIPE.
  - (3) APPROVED PLASTIC PIPE AND FITTINGS (MIN. SDR 35)
- (NOTE: FROM A POINT AT LEAST 3 FEET OUTSIDE THE EDGE OF THE TRAILER TO THE SEWAGE SYSTEM.)

NOTES: (1) ASTM D2729 IS NOT APPROVED FOR ANY PART OF THE SYSTEM.

- (2) INSTALL 4" CLEANOUT FOR TRAILER CONNECTION AND TERMINATE 3 TO 6 INCHES ABOVE GRADE.
- (3) INSTALL 3" MALE ADAPTER IN TRAILER CONNECTION.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2868 (November 2012).

**§1005. Interceptors and Separators**

A. When required. Interceptors or separators shall be provided for the proper handling of liquid wastes containing grease, oil, flammable waste, sand, solids or other ingredients harmful to the building drainage system, the sewerage system or sewage treatment plant or processes except when, in the opinion of the plumbing official, they are not necessary.

B. Size and Type. The size, type and location of each interceptor or separator shall be approved by the plumbing official.

C. Type of Waste. No wastes other than those requiring treatment or separation shall be discharged into any

interceptor or separator except where otherwise specifically permitted.

D. Grease Traps, Grease Interceptors, and Large Capacity Grease Interceptors. An approved type grease trap, grease interceptor, or large capacity grease interceptor complying with the provisions of this Section shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitariums, factory, school or day care center kitchens, markets, or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or the functioning of an individual sewerage system, except when, in the opinion of the plumbing official, they are not necessary.

E. Oil Separators. An oil separator shall be installed in the drainage system section of the system where, in the

opinion of the plumbing official, a hazard exists or where oils or other flammables can be introduced or admitted into the drainage system by accident or otherwise.

F. Sand Interceptors. Sand and similar interceptors for heavy solids shall have a water seal of not less than 2 inches (51 mm).

G. Venting Interceptors. Interceptors shall be so designed that they will not become air bound if closed covers are used. Each interceptor shall be properly vented.

H. Accessibility of Interceptors. Each interceptor shall be so installed as to provide ready accessibility to the cover and means for servicing and maintaining the interceptor in working and operating condition. The use of ladders or the removal of bulky equipment in order to service interceptors shall constitute a violation of accessibility.

I. Water Connection. If permitted by the plumbing official, any water connection for cooling or operating an interceptor shall be such that backflow cannot occur.

J. Special Occupancy Provisions. Laundries, bottling plants and slaughter houses shall be provided with an interceptor or separator in conformance with the following.

1. Laundries. Laundries shall be provided with an interceptor as follows.

a. Interceptor. Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons, or other materials detrimental to the sewerage system from passing into the drainage system.

b. Intercepting Basket/Device. The basket or other device shall prevent passage into the drainage system of solids 1/2-inch (12.7 mm) or larger in size. The basket or device shall be removable for cleaning purposes.

2. Bottling Plants. Bottling plants shall discharge their process wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the drainage system.

3. Slaughter House Drains. Slaughtering room drains shall be equipped with separators which shall prevent the discharge into the drainage system of feathers, entrails and other materials likely to clog the drainage system.

K. Food Service. The following special requirements apply to the handling of organic wastes of food origin.

1. Commercial Food-Waste Grinders. Where commercial food-waste grinders are installed, the waste from those units shall discharge through a grease trap of an approved design for this use.

2. Wash Racks. Every wash rack and/or floor or slab used for cleaning containers and equipment exposed to organic wastes of food origin shall be adequately protected against storm or surface water and shall drain or discharge into a grease trap of an approved design for this use.

L. Maintenance. Grease traps, grease interceptors, large capacity grease interceptors, and other types of interceptors and separators shall be maintained in conformance with the following.

1. Grease Traps and Grease Interceptors. Grease traps, grease interceptors, and large capacity grease interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or sewerage system.

2. Interceptors and Separators in General. Interceptors and separators of all types shall be maintained in efficient operating condition by periodic removal of accumulated material for which the interceptor or separator has been designed. No such collected material shall be introduced into any drainage piping or sewerage system.

M. Special Type Interceptors/Separators. The plumbing official may require the submittal of drawings and other pertinent information for any interceptor/separator designed for a special or unusual purpose/use.

N. Procedures for Design, Construction and Installation of Interceptors and Separators [formerly Appendix M - Procedures for Design, Construction and Installation of Interceptors and Separators]. The provisions of this Subsection shall apply to the design, construction, installation and testing of interceptors and separators required in accordance with Subsections A - M of §1005 of this code.

1. Definitions. Definitions contained in Chapter 2 of this code shall also apply to this Section except where the following special definitions shall apply.

*Bottling Plant Separator*—an *interceptor* designed to separate and retain broken glass and other solids.

*Grease Interceptor*—an *interceptor* of less than 125 gallon capacity which is designed and installed so as to separate and retain grease. Typically identified by flow rate and/or grease capacity and generally installed indoors adjacent to the plumbing fixtures they serve. (See §1005.N.6 of this code for design and sizing requirements.)

*Grease Trap*—an *interceptor* of at least 125 gallon capacity which is designed and installed to separate and retain grease. Typically identified by liquid holding capacity (volume) and generally installed below *grade<sub>(G)</sub>* outdoors with provisions for above *grade<sub>(G)</sub>* accessibility for cleaning purposes. (See §1005.N.3 of this code for sizing requirements and §1005.N.4 of this code for design requirements.)

*Large Capacity Grease Interceptor*—an *interceptor* of at least 125 gallon capacity conforming to ASME A 112.14.3 or PDI-G101 which is designed and installed to separate and retain grease. Generally manufactured to be installed above or below *grade<sub>(G)</sub>* either indoors or outdoors. (See §1005.N.3 of this code for sizing requirements and §1005.N.5 of this code for design requirements.)

*Laundry Trap*—an *interceptor* designed to separate and retain lint, strings, rags, buttons or other similar materials which may be discharged from laundries.

*Oil Separator*—an *interceptor* designed to separate and retain waste oil and other petroleum products.

*Sand Interceptor*—an *interceptor* designed to separate and retain sand, gritty material or other types of heavy solids.

*Slaughter House Separator*—an *interceptor* designed to separate and retain feathers, entrails and other similar substances.

*Special Type Separator*—an *interceptor* designed to separate and retain deleterious, hazardous or undesirable matter from normal wastes for proper disposal, rendering, or recycling.

2. General Regulations. The following general regulations are applicable to interceptors and separators.

a. Size and Type. The size and type of each interceptor or separator shall be in accordance with the requirements of this Section and shall be approved by the plumbing official.

b. Location. The location of each interceptor or separator shall be approved by the plumbing official.

c. Prior Approval. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the plumbing official.

d. Cleanout on Discharge Line. A two-way cleanout shall be provided on the discharge line immediately downstream of all interceptors.

e. Grease Traps/Grease Interceptors/Large Capacity Grease Interceptors. When it has been determined under §1005.D of this code that a trap or interceptor is required, the following regulations apply to the use of a grease trap or large capacity grease interceptor versus the allowance of the use of a grease interceptor.

i. A grease trap or large capacity grease interceptor shall be required in all instances of new construction or substantial renovation of buildings or facilities. In addition, a grease trap or large capacity grease interceptor shall be required for existing buildings or facilities when a proper installation can be performed without the need to break up a concrete slab.

ii. At the discretion of the plumbing official, a grease interceptor may be allowed in lieu of a grease trap or large capacity grease interceptor when the conditions for a grease trap/large capacity grease interceptor installation do not exist or cannot easily be met. For example, when:

(a). new construction, substantial renovation of buildings or facilities is not being performed and a concrete slab would have to be broken at the existing building or facility for the proper installation of a grease trap;

(b). an outside, unpaved area surrounding the building where a grease trap could be installed is available; however, it is determined that the area is too far away from the plumbing fixtures that the grease trap would be servicing; or,

(c). the installation of a grease trap is unfeasible such as when servicing a kitchen which is located on the upper floors of a multistoried building.

3. Minimum Capacity of Grease Traps and Large Capacity Grease Interceptors. The minimum required capacity of grease traps and large capacity grease interceptors shall be determined based upon the maximum number of persons served during the largest meal period in accordance with the following:

a. General. Grease traps and large capacity grease interceptors should be designed to be large enough to allow the water contained within it to remain cold since only cold water separates grease. In addition, grease traps and large capacity grease interceptors should be designed to be large enough so that they require cleaning at a frequency no more often than once per month.

b. Without Garbage Grinder. The minimum capacity for applications without a garbage grinder shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving

up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity of the grease trap or large capacity grease interceptor shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51<sup>st</sup> person served and greater.

c. With Garbage Grinder. When a garbage grinder is connected (see §1005.K.1 of this code), the grease trap or large capacity grease interceptor shall have a minimum capacity of no less than 500 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When a garbage grinder is connected and over 50 people are served during a single meal period, the minimum grease trap capacity shall be increased beyond 500 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51<sup>st</sup> person served and greater.

d. Alternate Sizing Methods. For informational purposes only, alternate sizing methods may be found in Figures 9, 10, and 11 in Section 1807 of this code.

4. Grease Traps. The following regulations are applicable to the design and installation of grease traps.

a. The minimum required capacity of grease traps shall be determined based upon the maximum number of persons served during the largest meal period in accordance with §1005.N.3 of this code.

b. If a grease trap must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.

c. A one compartment grease trap is acceptable; however, a two compartment, or a one compartment grease trap with a baffle wall between the inlet and outlet, is preferred.

d. The grease trap shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.

e. The minimum diameter of the outlet pipe shall not be less than 4 inches.

f. A minimum of one foot of air space shall be provided above the static water level.

g. Venting. The following regulations are applicable to the venting of grease traps:

i. The grease trap outlet shall be properly vented to prevent the trap from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the grease trap through the open vent terminal.

ii. For those grease traps having a gasketed cover, the grease trap outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall have a 2-inch vent pipe properly installed.

h. The invert of the grease trap outlet opening, at the point where water exits the grease trap, shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease trap. This requirement also applies to any intermediate outlets in multi-compartment grease traps. The invert of the inlet shall be at least 3 inches above the invert of the outlet.

i. On unbaffled single compartment grease traps, a 90° ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment grease traps, a baffle wall shall be placed between the inlet and outlet. The inlet shall discharge into the grease trap at a level at least 6 inches below the top of the baffle wall. The baffle wall shall extend from 2 inches below the static water level to the bottom of the grease trap such that incoming water will have to overflow above the top of the baffle wall in order to reach the outlet.

j. The horizontal distance between the inlet and outlet piping in the grease trap should be sufficient to allow gravity-differential separation to the grease so that it will not escape through the outlet. The minimum horizontal distance shall be 24 inches.

k. Access/Covers. The following regulations are applicable to the access to and the covers for grease traps:

i. Access from the top of the grease trap shall be provided by an easily removable cover above an access opening of at least 20 inches square or 24 inches round.

Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade<sub>(G)</sub> to provide ready accessibility.

ii. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. (The intention is that a child-resistant cover be provided. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.)

l. No water jacketed grease trap shall be approved or installed.

m. Each grease trap shall have an approved water seal of not less than 2 inches in depth or the diameter of its outlet, whichever is greater.

n. Abandoned grease traps shall be pumped and filled as required for abandoned septic tanks in accord with LAC 51:XIII.715.V.

NOTE: IF 3" THIMBLE IS USED AS ILLUSTRATED, ONE 2" LOCAL VENT MAY BE ELIMINATED

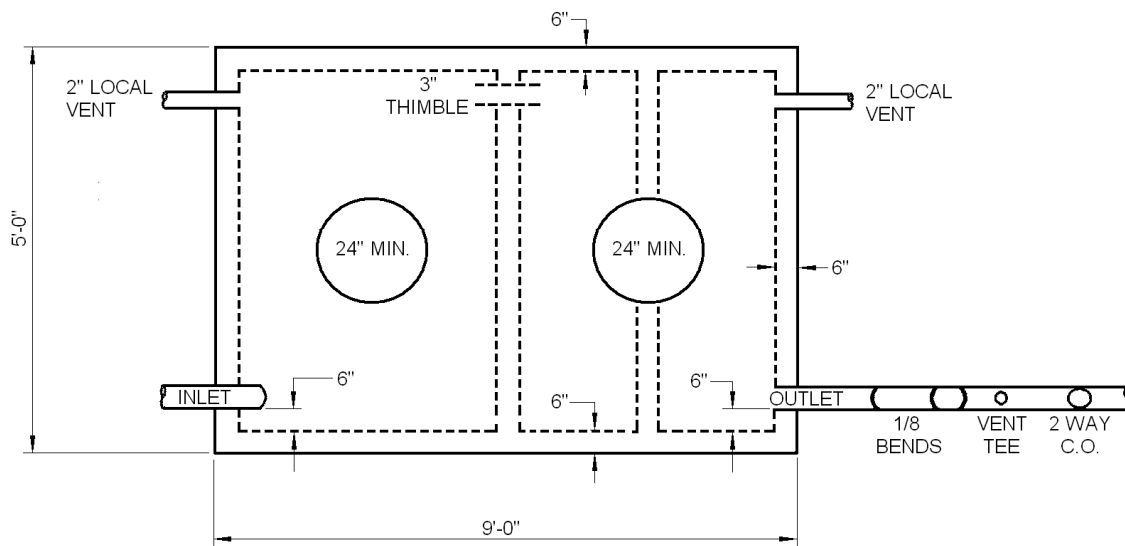


Figure 1005.N.4A (1 of 2)—Grease Trap (top view)

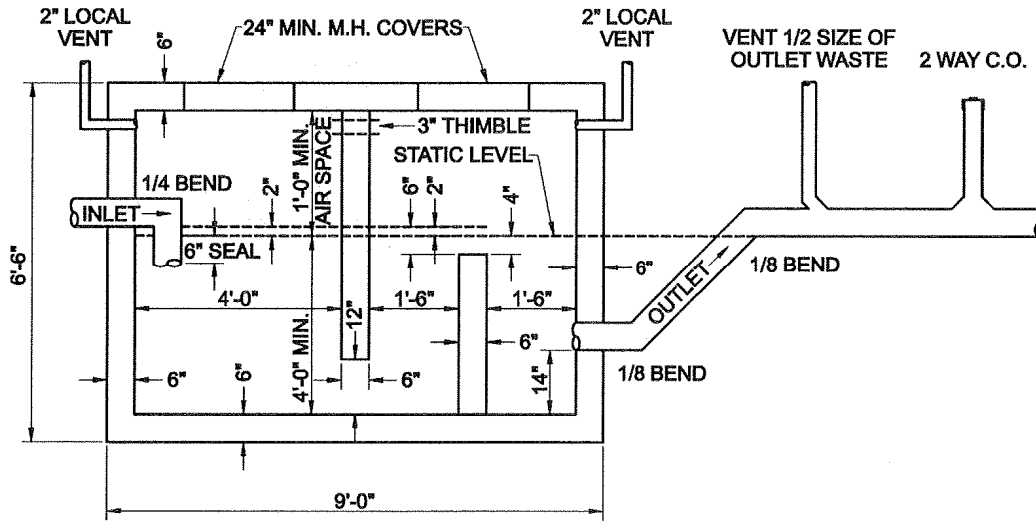
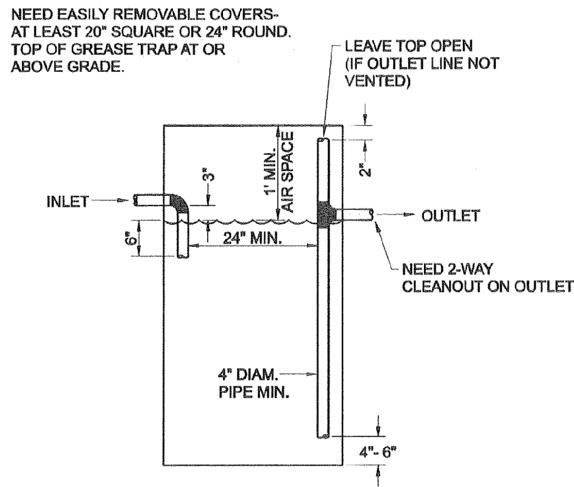


Figure 1005.N.4A (2 of 2)—Grease Trap (side view)

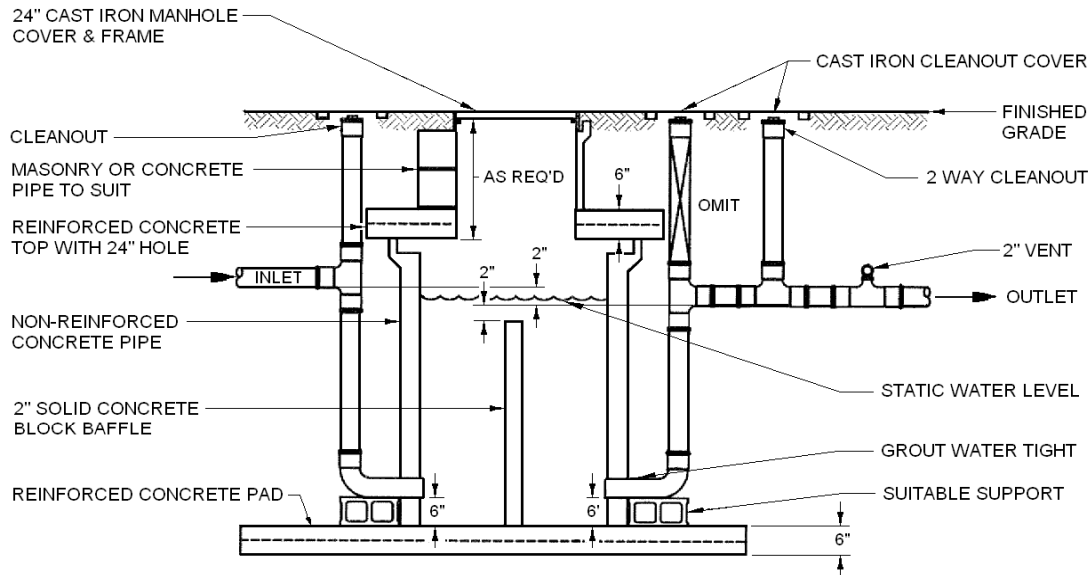


Min. volume below invert of outlet = 125 gallons

- = 2' x 2' x 4' water depth  
(would have to be built 2' x 2' x 5' in order to give 1' air space above water line)
- or = 2' x 3' x 3' water depth\*  
(would have to be built 2' x 3' x 4' in order to give 1' air space above water line)

(\* This would be preferred in order to keep inlet & outlet at least 24" apart from each other.)

Figure 1005.N.4B—Grease Trap (sanitary details only)



NOTES:

1. THE BOTTOM OF THE INLET PIPE SHALL BE NOT LESS THAN TWO INCHES ABOVE THE BOTTOM OF THE OUTLET PIPE.
2. THE BOTTOM OF THE OUTLET PIPE SHALL BE TWO INCHES ABOVE THE TOP OF THE BAFFLE WALL.
3. TRAP INDICATED ABOVE IS FOR CONCRETE PIPE CONSTRUCTION. ALTERNATE MATERIAL AND METHODS OF INSTALLATION MUST BE SUBMITTED FOR APPROVAL PRIOR TO INSTALLATION.

Figure 1005.N.4C—Grease Trap

5. Large Capacity Grease Interceptors. The following design regulations are applicable to large capacity grease interceptors.

a. Large capacity grease interceptors shall be evaluated, tested, and certified for conformance with ASME A 112.14.3 or PDI-G101.

b. The minimum required capacity of large capacity grease interceptors shall be determined based upon the maximum number of persons served during the largest meal period in accordance with §1005.N.3 of this code.

c. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or sewerage system.

d. Each grease interceptor shall have an approved water seal of not less than 2 inches in depth or the diameter of its outlet, whichever is greater. The grease interceptor outlet shall be properly vented to prevent the trap from siphoning itself out.

6. Grease Interceptors. The following design regulations are applicable to grease interceptors:

a. When specially allowed by the plumbing official pursuant to §1005.N.2.e of this code, an approved type grease interceptor complying with ASME A 112.14.3 or PDI-G101 and the provisions of this Paragraph may be installed in the waste line leading from sinks, drains and other fixtures or equipment in establishments such as restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitariums, factory, school or day care center kitchens, markets, or other establishments where

grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or the functioning of an individual sewerage system, except when, in the opinion of the plumbing official, they are not necessary.

b. The minimum required size of grease interceptors shall be determined based upon fixture discharge rate (gpm) and grease retention capacity (pounds) in accordance with Figure 1005.N.6 of this code (see also §1005.N.6.h of this code); however, in no case shall a grease interceptor be installed which has an approved rate of flow of less than 20 gallons per minute, except when specially approved by the plumbing official.

c. Each plumbing fixture or piece of equipment connected to a grease interceptor shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated capacity of the grease interceptors. No flow control device having adjustable or removable parts shall be approved.

d. Each grease interceptor that is rated shall be stamped or labeled by the manufacturer with an indication of its full discharge rate in gallons per minute (gpm). Each grease interceptor allowed to be installed under the provisions of this Paragraph shall have an approved rate of flow which is not less than that given in Table 1005.N.6 of this code based upon the total flow expected in gpm from the total number of connected fixtures (i.e., each grease

interceptor shall be rated equal to or greater than the incoming flow). The total capacity, in gallons, from all fixtures discharging into any such grease interceptor shall not exceed two and one-half (2-1/2) times the certified gallon per minute (gpm) flow rate of the grease interceptor as per Table 1005.N.6 of this code.

i. Any grease interceptor installed with the inlet more than 4 feet lower in elevation than the outlet of any fixture discharging into such grease interceptor shall have an approved rate of flow which is not less than 50 percent greater than that given in Table 1005.N.6 of this code.

ii. For the purpose of this Paragraph, the term "fixture" shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharge into a grease interceptor by any provision of this Paragraph.

e. Each fixture discharging into a grease interceptor shall be trapped and vented in an approved manner. An approved type grease interceptor may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease interceptor does not exceed 4 feet and the vertical tailpipe or drain does not exceed 2 1/2 feet.

f. Grease interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or sewerage system.

g. Each grease interceptor shall have an approved water seal of not less than 2 inches in depth or the diameter of its outlet, whichever is greater. The grease interceptor outlet shall be properly vented to prevent the trap from siphoning itself out.

h. When grease interceptors are allowed to be installed by the plumbing official in commercial kitchens, the recommended sizing criteria is provided in Table 1005.N.6 of this code below.

Procedure for Sizing Grease Interceptors		
Steps	Formula	Example
4	Determine flow rate and drainage period. In general, good practices dictate a 1-minute drainage period; however, where conditions permit, a 2-minute drainage period is acceptable. Drainage period is the actual time required to completely drain the fixture. Flow rate = Actual Drainage Load ÷ Drainage Period	Calculate flow rate for 1-minute period 44.9 ÷ 1 = 44.9 gpm Flow rate Two-minute period 44.9 ÷ 2 = 22.5 gpm Flow Rate
5	Select interceptor which corresponds to the flow rate calculated. Note: Select next larger size when flow rate falls between two sizes listed.	For 1-minute period, 44.9 gpm requires PDI size "50" For 2-minute period, 22.5 gpm requires PDI size "25".

Figure 1005.N.6

7. Oil Separators. The following regulations are applicable to oil separators.

a. All repair garages and gasoline stations with grease racks or grease pits, and all factories which have oily wastes as a result of manufacturing, storage, maintenance, repair, or testing processes shall be provided with an oil separator which shall be connected to all necessary floor drains. The separation of the vapor compartment shall be independently vented to the outer air. If two or more separation or vapor compartments are used, each shall be vented to the outer air or may connect to a header which is installed at a minimum of 6 inches above the spill line of the lowest floor drain and vented independently to the outer air. The minimum size of a flammable vapor vent shall not be less than 2 inches, and when vented through a sidewall, the vent shall not be less than 10 feet above the adjacent level at an approved location. The interceptor shall be vented on the sewer side and this vent shall not connect to a flammable vapor vent. All oil interceptors shall be provided with gastight cleanout covers which shall be readily accessible. The waste line shall not be less than 3 inches in diameter with a full-size two-way cleanout brought to grade<sub>(G)</sub>. When an interceptor is provided with an overflow, it shall be provided with an overflow line (not less than 2 inches in diameter) to an approved waste oil tank having a minimum capacity of 550 gallons and meeting the requirements of the appropriate authority. The waste oil from the separator shall flow by gravity or shall be pumped to a higher elevation by an automatic pump. Pumps shall be adequately sized and accessible. Waste oil tanks shall have a 2-inch minimum pumpout connection at grade<sub>(G)</sub> and a 1 1/2-inch minimum vent to atmosphere at an approved location at least 10 feet above grade<sub>(G)</sub>.

b. Each manufactured oil interceptor that is rated shall be stamped or labeled by the manufacturer with an indication of its full discharge rate in gallons per minute (gpm). The full discharge rate to such an oil interceptor shall be determined at full flow. Each oil interceptor shall be rated equal to or greater than the incoming flow and shall be provided with an overflow line to an underground tank.

i. Oil interceptors not rated by the manufacturer shall have a depth of not less than 2 feet below the invert of the discharge drain. The outlet opening shall have not less

Table 1005.N.6 Grease Interceptors	
Required Rate of Flow Per Minute, Gallons	Grease Retention Capacity, Pounds
20	40
25	50
35	70
50	100

Procedure for Sizing Grease Interceptors		
Steps	Formula	Example
1	Determine cubic content of fixture by multiplying length x width x depth.	A sink 48" long by 24" wide by 12" deep. Cubic content 48 x 24 x 12 = 13,824 cubic inches
2	Determine capacity in gallons. 1 gal = 231 cubic inches	Contents in gallons 13,824 ÷ 231 = 59.8 gallons
3	Determine actual drainage load. The fixture is normally filled to about 75 percent of capacity with water. The items being washed displace about 25 percent of the fixture content, thus actual drainage load = 75 percent of fixture capacity.	Actual Drainage Load 0.75 x 59.8 = 44.9 gallons

than an 18-inch water seal and shall have a minimum capacity as follows:

(a). where not more than three motor vehicles are serviced and/or stored, oil interceptors shall have a minimum capacity of 6 cubic feet, and 1 cubic foot of capacity shall be added for each vehicle up to 10 vehicles; and

(b). above 10 vehicles, the plumbing official shall determine the size of the oil interceptor required. Where vehicles are serviced only and not stored, oil interceptor capacity shall be based on a net capacity of 1 cubic foot for each 100 square feet of surface to be drained into the oil interceptor, with a minimum of 6 cubic feet.

c. A combination oil and sand interceptor may be installed when the design is approved in writing by the plumbing official.

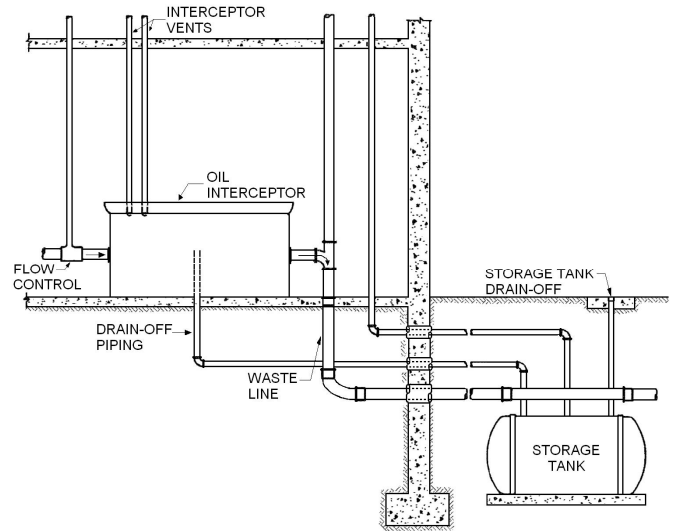


Figure 1005.N.7A—Oil Separator

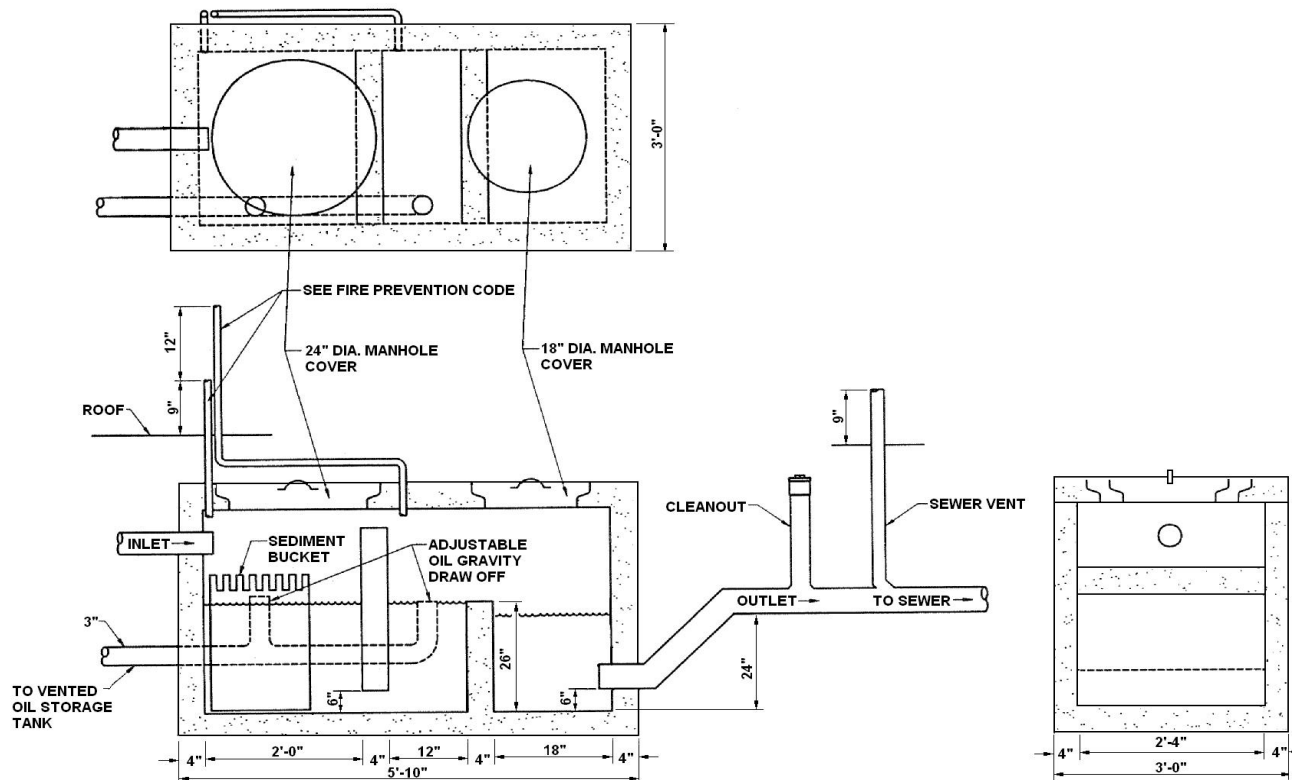


Figure 1005.N.7B—Oil Separator Details

8. Sand Interceptors. The following regulations are applicable to sand interceptors.

a. Multiple floor drains may discharge into one sand interceptor.

b. Sand interceptors shall be built of brick or concrete, prefabricated coated steel, or other watertight material. The sand interceptor shall have an interior baffle for full separation of the interceptor into two sections. The outlet pipe shall be the same size as the inlet, the minimum

being 3 inches, and the baffle shall have two openings of the same diameter as the outlet pipe and at the same invert as the outlet pipe. These openings shall be staggered so that there cannot be a straight line flow between any inlet pipe and the outlet pipe. The invert of the inlet pipe shall be no lower than the invert of the outlet pipe.

i. The sand interceptor shall have a minimum dimension of 2-feet square for the net free opening of the



inlet screen and a minimum depth under the invert of the outlet pipe of 24 inches.

ii. For each 5 gallons per minute flow or fraction thereof over 20 gallons per minute, the area of the sand interceptor inlet section is to be increased by 1 square foot. The outlet section shall at all times have a minimum area of 50 percent of the inlet sections.

iii. The outlet section shall be covered by a solid removable cover set flush with the finished floor, and the inlet section shall have an open grating set flush with the finished floor and suitable for the traffic in the area in which it is located.

c. Sand and similar interceptors for every solid shall be so designed and located as to be readily accessible for cleaning, shall have a water seal of not less than 6 inches, and shall be vented.

d. Alternate designs for construction or baffling of sand interceptors complying with the intent of this code may be submitted to the plumbing official for approval.

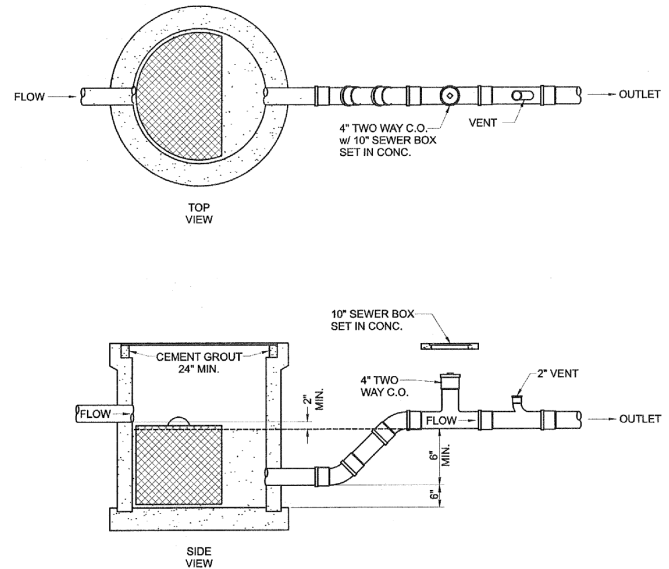


Figure 1005.N.9—Lint Trap (with Non-Corrode Basket)

10. Bottling Separators. Bottling plants shall discharge their process waste water into an interceptor/separator which will provide for the separation of broken glass or other solids before discharging into the drainage system. The design, size, location and venting of the bottling separator shall be approved by the plumbing official.

11. Slaughter House Separators. Slaughtering room drains shall be equipped with separators which shall prevent the discharge into the drainage system of feathers, entrails and other materials likely to clog the drainage system. The design, size, location and venting of the slaughter house separator shall be approved by the plumbing official.

12. Special Type Separators

a. Every fish, fowl and animal slaughter house or establishment and every fish, fowl and meat packing or curing establishment and every soap factory, tallow rendering, fat rendering and hide curing establishment, or any other establishment from which considerable amounts of grease are likely to be discharged into any plumbing system, community sewerage system, commercial treatment facility, or individual sewerage system, shall be connected to and shall drain or discharge into a grease trap meeting the requirements of this Section and approved by the plumbing official for this use.

b. Interceptors or separators for other special type applications shall not be installed until their design, size, location and venting have been approved by the plumbing official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2869 (November 2012).

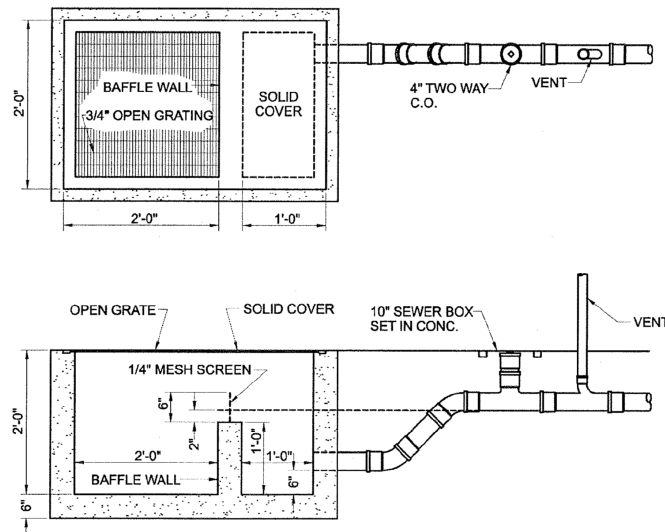


Figure 1005.N.8—Sand Interceptor

9. Laundry Traps. Laundry equipment that does not have integral strainers shall discharge into an interceptor having a wire basket or similar device that is removable for cleaning and that will prevent passage into the drainage system of solids 1/2-inch or larger in maximum dimension, such as string, rags, buttons or other solid materials detrimental to the drainage system. The laundry trap (laundry interceptor/lint trap) and its connection to the drainage system shall conform to the design depicted in Figure 1005.N.9 of this Part. Any modifications of the design shall be approved by the plumbing official. In additions, the size, location and venting of the interceptor shall be approved by the plumbing official.

## **Chapter 11. Storm Drainage**

### **§1101. General**

A. Scope. The provisions of this Chapter shall govern the materials, design, construction, and installation of storm drainage.

B. Drainage Required. Roofs, paved areas, yards, courts and courtyards shall be drained into a storm sewer system.

1. Exception. Dumpster pad drains shall connect to the sanitary sewerage system in accordance with LAC 51:XXIII.3307.

C. Prohibited Drainage. Storm water shall not be drained into sewers intended for sewage only.

D. Expansion Joints. Expansion joints or sleeves shall be provided where warranted by temperature variations or physical conditions.

E. Subsoil Drains. Where subsoil drains are placed under the cellar or basement floor or are used to surround the outer walls of a building, they shall be made of open-jointed or horizontally split or perforated clay tile, asbestos cement pipe, or plastic pipe meeting the requirements of Table 703 of this code, not less than 4-inch diameter. When the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains may discharge into a properly trapped area drain or sump. Such sumps do not require vents.

F. Building Subdrains. Building subdrains located below the building storm sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the building gravity drainage system as required for building sumps.

G. Pumping System. Pumping systems installed to remove contents of collecting sumps shall include the sump pump, pit, and discharge piping as defined below.

1. Sump Pump. An automatic water pump for the removal of drainage from a sump, pit, or low point in a residential, commercial, or industrial property shall be of a capacity and head appropriate to anticipated use requirements.

2. Sump Pit. The sump pit size shall be not less than 18-inch (457 mm) diameter and may be constructed of tile, steel, plastic, cast iron, concrete, or other material accepted by the plumbing official, topped by a removable cover adequate to support anticipated loads in area of use. The pump floor shall provide permanent support for the pump.

3. Electrical service outlets, when required, shall meet the requirements of NFPA 70 or local codes.

4. Discharge piping shall meet the requirements of §1103.A, §1103.B, §1103.C or §1103.D of this code and shall include a gate valve and a full flow check valve. Size and fittings shall be the same size as, or larger than, pump discharge tapping.

H. Backwater Devices. The installation of backwater devices as protection for fixtures subject to backflow shall be in accordance with requirements of this Part.

I. Tests. The interior leaders and downspouts system shall be tested in accordance with §319.E of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2878 (November 2012).

### **§1103. Materials**

A. Inside Conductors Including Above Ground Storm Drains. Conductors placed within buildings or run in vent or pipe shafts shall be aluminum, cast iron, galvanized steel, galvanized ferrous alloys, brass, copper tubing of a weight not less than that of copper drainage tube Type DWV, copper pipe or Schedule 40 plastic pipe.

B. Building Storm Drains. All building storm drains shall be of materials required for building drains in §§703.C and 703.D of this code.

C. Underground Building Storm Drains. Underground building storm drains, inside the building perimeter, shall be of cast iron soil pipe, ferrous-alloy piping, copper tube Type DWV, or Schedule 40 plastic piping.

D. Building Storm Sewers. The building storm sewer shall be of cast iron soil pipe, vitrified-clay pipe, concrete pipe, or plastic pipe meeting the requirements of Table 703 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2878 (November 2012).

### **§1105. Specifications**

A. Pipe, tubing, and fittings for storm drainage systems shall conform to the standards listed in Table 703 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2878 (November 2012).

### **§1107. Conductors and Connections**

A. Protection. Rain water conductors installed along alleyways, driveways, or other locations where they may be exposed to damage shall be protected.

B. Separation of Storm Drainage from Sanitary Sewers. The sanitary sewer and storm drainage systems of a building shall be entirely separate.

C. Floor Drains. Floor drains shall not be connected to a storm drain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2878 (November 2012).

### **§1109. Roof Drains**

A. Material. Roof drains shall be of an approved corrosion resistant material with adequate strainer area and shall comply with the applicable standards in Table 303 of this code.

B. Strainers. When roof drains are provided they shall have strainers extending not less than 4 inches (102 mm) above the surface of the roof immediately adjacent to the roof drain. Strainers shall have an available inlet area, above roof level, of not less than one and a half times the area of the conductor or leader to which the drain is connected.

C. Flat Decks. Roof drain strainers for use on sun decks, parking decks, and similar areas, normally serviced and maintained, may be of the flat surface type, level with the deck and shall have an available inlet area not less than two

times the area of the conductor or leader to which the drain is connected.

D. Roof Drain Flashings. The connection between roofs and roof drains which pass through the roof and into the interior of the building shall be made watertight by the use of proper flashing material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2878 (November 2012).

**§1111. Size of Leaders and Storm Drains**

A. Vertical Leaders. Vertical leaders shall be sized for the maximum projected roof area, according to Table 1111.A of this code below. If a vertical offset is 45 degrees or less, the leader can be sized as a vertical pipe. If the offset is greater than 45 degrees, the pipe must be sized as a horizontal pipe.

Size of Leader or Conductor (in)	Maximum Projected Roof Area (sq ft)
2	720
2 1/2	1300
3	2200
4	4600
5	8650
6	13,500
8	29,000

NOTE:

1. The equivalent diameter of square or rectangular leader may be taken as the diameter of that circle which may be inscribed within the cross-sectional area of the leader. See also §1111.B.2 of this code.

B. Building Storm Drains. Building storm drains shall comply with the following.

1. The size of the building storm drain or any of its horizontal branches having a slope of 1/2-inch or less per foot (41.6 mm/m) shall be based upon the maximum projected roof area to be handled according to Table 1111.B of this code below.

Diameter of Drain (in)	Maximum Projected Roof Area for Drains of Various Slopes (sq ft)		
	1/8 in Slope	1/4 in Slope	1/2 in Slope
3	822	1,160	1,644
4	1,880	2,650	3,760
5	3,340	4,720	6,680
6	5,350	7,550	10,700
8	11,500	16,300	23,000
10	20,700	29,200	41,400
12	33,300	47,000	66,600
15	59,500	84,000	119,000

2. Tables 1111.A and 1111.B of this code above are based upon a rate of rainfall of 4 inches (102 mm) per hour. If in any state, city or other political subdivision, the maximum rate of rainfall is more or less than 4 inches (102 mm) per hour, then the figures for roof area shall be adjusted proportionately by dividing the figure by four and multiplying by the maximum rate of rainfall in inches (mm) per hour. See §1111.E of this code.

C. Blockage Avoidance. To avoid stoppages, building drainage piping cannot be reduced in size in the direction of flow throughout its length. i.e., an 8-inch (203-mm) horizontal building storm drain must tie to an 8-inch (203-mm) vertical leader, even if Table 1111.A of this code allows for a smaller size for the vertical leader.

D. Vertical Walls. In sizing roof drains and storm drainage piping, one-half (1/2) of the area of any vertical wall which diverts rain water to the roof shall be added to the projected roof area for inclusion in calculating the required size of vertical leaders and horizontal storm drainage piping.

E. Maximum Rates of Rainfall. Primary roof drain systems shall be designed using Tables 1111.A and 1111.B of this code and adjusted in accordance with §1111.B.2 of this code for the local rainfall for a 60 minute duration and a 100-year return period in Figure 1111.E of this Part. The plumbing official may approve local weather data on the maximum rate of rainfall when available.

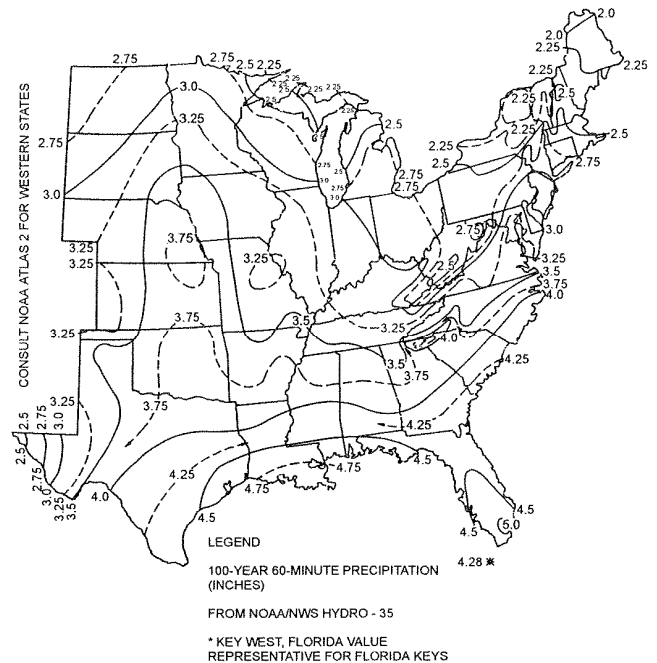


Figure 1111.E—Rainfall Rate for Primary Roof Drains (in./hr.)

F. Parapet Wall Scupper Location. The location of parapet wall roof drainage scuppers and overflow scuppers shall be such that discharge can cause no personal injury or property damage. When neither conductor heads nor gutters are used to catch the water, scupper spouts shall extend past the exterior surface of the building to avoid wetting the building surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2879 (November 2012).

**§1113. Secondary (Emergency) Roof Drains**

A. Secondary Drainage Required. Secondary (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water would be entrapped should the primary drains allow buildup for any reason.

B. Separate Systems Required. Secondary roof drain systems shall have piping and point of discharge separate from the primary system. Discharge shall be above grade<sub>(G)</sub> in a location which would normally be observed by the building occupants or maintenance personnel.

C. Maximum Rainfall Rate for Secondary Drains. Secondary (emergency) roof drain systems or scuppers shall be sized based on the flow rate caused by the 100-year 15 minute precipitation as indicated in Figure 1113.C of this Part. The flow through the primary system shall not be considered when sizing the secondary roof drain system.

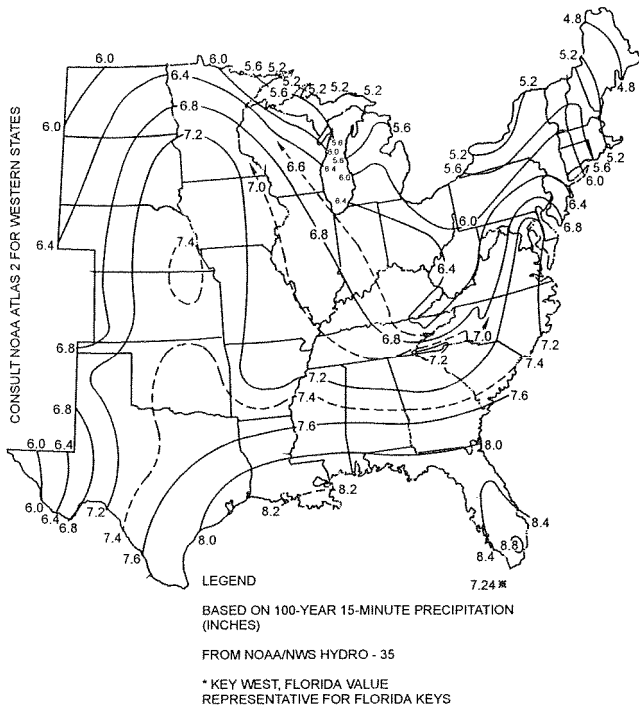


Figure 1113.C—Rainfall Rate for Primary Roof Drains (in./hr.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2879 (November 2012).

**§1115. Values for Continuous Flow**

A. Where there is a continuous or semicontinuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air conditioning plant, or similar device, each gallon per minute of such discharge shall be computed as being equivalent to 24 sq ft (2.23 m<sup>2</sup>) of roof area, based upon a 4-inch (102 mm) rainfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2880 (November 2012).

**§1117. Additional Information for Storm Drainage**

A. Additional information for storm drainage is contained in Chapter 18 (Appendices) of this code, §1803 (Appendix A - Roof Drain Sizing Method). Such additional information in Chapter 18 shall not be construed as superceding any pertinent regulation(s) contained in Chapters 1-17 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2880 (November 2012).

**Chapter 12. Alternate Designed Plumbing Systems**

**§1201. General**

A. Approval of alternate designed plumbing systems will be considered on an individual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2880 (November 2012).

**§1203. Requirements for Approval**

A. Plans and Specifications. Plans and specifications for any proposed alternate designed plumbing system shall be submitted to the state health officer for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer registered in either civil or mechanical engineering.

B. Responsibility of Professional Engineer. The Professional Engineer referenced in §1203.A of this code shall be responsible for:

1. certifying the system design;
2. inspecting the system during installation;
3. certifying that the installed system is in compliance with the approved design specifications;
4. supervising any test(s) performed on the system; and,
5. certifying the results of any required testing.

C. Owner's Notice. Any permits issued for an alternate designed plumbing system shall be issued only after the owner of the building has assured the state health officer in writing that he is aware of the third party notification requirements of §1207 of this code. In addition, any permits issued for work requiring a performance test shall be issued only after the owner of the building has assured the state health officer in writing that he is also aware of the testing requirements of §1205 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2880 (November 2012).

**§1205. Tests**

A. General Testing Requirements. The state health officer and/or the local plumbing official may also require tests to be conducted prior to occupancy to assure that the proposed design is satisfactory and complies with the intent of this code. Such tests shall be made in accordance with approved standards, but in the absence of such standards, the state health officer and/or the local plumbing official shall specify the test procedure(s). In general, such tests shall indicate that all fixtures properly discharge when flushed simultaneously with not less than 1-inch (25.4mm) of water seal left in the trap after testing and that there is no evidence of sewer gas passing through the trap seal.

B. Roughing-In. The roughing-in test shall be as provided for in other Chapters of this code.

C. Tests and Inspection of the Single Stack Discharge and Ventilating Pipe System or any other Single Stack Plumbing System. When a single stack discharge and ventilating pipe system (a specific type of alternate designed

plumbing system) or any other single stack plumbing system has been approved by the state health officer under the requirements of this Chapter, the following tests/inspections shall be performed.

1. Performance Test Required. In any building in which fixtures or appliances, other than those specifically provided for in Table 1811.D.5.5A of this code, are to be installed or in existing buildings in which the single stack discharge and ventilating pipe system or any other single stack plumbing system exists and additional fixtures are to be added, the plumbing official shall require and supervise a performance test as hereafter provided.

2. Application and Restrictions. When required in new construction, the system shall successfully pass the test before the building is permitted to be occupied. In existing buildings where piping is added for additional fixtures or appliances, such new piping shall not be placed in service until the performance test is approved. Should the system fail to pass the test, the new construction shall be modified as the plumbing official may direct, or the system shall be reconstructed to meet the requirements of other Chapters of this code, or the added fixtures and appliances shall be removed and all waste and vent pipes permanently closed so as to form no dead ends and all wall and other openings shall be put back in their original or finished condition.

a. Exception. Central washing facilities connected separately to the building drain or sewer in an installation that is otherwise constructed in accordance with other Chapters of this code are exempt from the performance testing prescribed by this Section.

3. Performance Test. Every trap shall retain not less than 1-inch (25.4 mm) of seal when subjected to the appropriate discharge tests given below. These tests are designed to simulate the probable worst conditions in practice. Each test should be repeated three times, the trap being recharged before each test, and the maximum loss of seal in any one test, measured by a dip stick, shall be taken as the significant result. The number of fixtures to be discharged simultaneously when investigating the effect of the flow of water down the stack depends on the number of fixtures and on the frequency with which they are used. The number of fixtures to be discharged simultaneously is given in Table 1811.D.11 of this code.

4. Test for Self-Siphonage. To test for the effect of self-siphonage, the waste fixture shall be filled to overflowing level and discharged in the normal way. The seal remaining in the trap shall be measured when the discharge has finished. This test is most important for wash basins, but it is not applicable for water closets which shall be flushed in the normal manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2880 (November 2012).

### §1207. Third Party Notification

A. After installation of any alternate designed plumbing system, the owner shall notify third parties of its existence by having a document recorded in the Clerk of Court's conveyance records in the parish in which such alternate designed plumbing system has been installed. The document so recorded shall reference a prior conveyance record

(COB/folio) of the parcel of ground upon which the alternate designed plumbing system is located (e.g., the conveyance recording a previous Act of Sale of the parcel of ground). The document will state that the plumbing of the building located on this particular parcel of ground contains an "alternate designed plumbing system" which cannot be modified in any manner by future owners/lessees without first obtaining an approval of such proposed modifications from the state health officer in accord with the requirements of Chapter 12 (Alternate Designed Plumbing Systems) of this code. Proof of recordation shall be provided to the state health officer and the local plumbing official prior to issuance of a building occupancy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2881 (November 2012).

## Chapter 13. Medical Facilities Plumbing Systems [formerly Appendix G - Medical Facilities Plumbing Systems]

### §1301. General

A. Scope. The following Subparagraphs provide the scope of this Chapter.

1. The provisions of this Chapter are intended to set out those items of hospital/medical facilities plumbing systems which differ from plumbing systems in other buildings. Special care shall be accorded the hospital plumbing system because of its direct relationship to adequate medical care and the need for added protection for patients and hospital personnel from health hazards.

2. It is understood that hospital/medical facilities plumbing systems shall conform not only to the requirements of this Chapter, but also to the requirements contained in the other Chapters of this code.

3. The provisions of this Chapter shall apply to plumbing installations in clinics, doctors' offices, nursing homes, and other medical facilities, etc., as well as in hospital installations.

B. Definitions. The following words and terms shall, for the purposes of this Chapter and as stated elsewhere in this code, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

*Aspirator*—a fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or constriction causing a vacuum. (*Aspirators* are often referred to as suction apparatus, and are similar in operation to an ejector.)

*Autoclave*—see *Sterilizer, Pressure*.

*Autopsy Table*—a *fixture* or table used for post-mortem examination of a body.

*Bedpan Hopper*—see *clinical sink*.

*Bedpan Steamer* or *Bedpan Boiler*—a *fixture* used for scalding bedpans or urinals by direct application of steam or boiling water.

*Bedpan Washer and Sterilizer*—a *fixture* designed to wash bedpans and to flush the contents into the *sanitary drainage system*. It may also provide for emptying, cleaning, and sometimes for steaming bedpans, and for no other purpose.

*Bedpan Washer Hose*—a device supplied with hot and cold water and located adjacent to a water closet or *clinical sink* to be used for cleansing bedpans.

*Clean Utility Room*—a workroom, normally located near the nurses' station, designed and equipped to facilitate the heating and refrigeration of food items, placement of an ice machine, and/or the preparation, cleaning and incidental sterilization of the various supplies, instruments, utensils, etc., involved in nursing treatment and care.

*Clinical Sink*—a *fixture* meeting the design requirements of §1303.B of this code for the rinsing of bedpans and soiled linen. Such fixtures shall have a *trap* size of not less than 3 inches.

*Effective Opening*—the minimum cross-sectional area of the *water outlet* at the point of water supply discharge or the minimum cross-sectional area of the *liquid waste outlet* at the point of *indirect waste pipe* discharge, measured or expressed in terms of:

- a. diameter of a circle; or,
- b. if the outlet is not circular, the diameter of a circle of equivalent cross-sectional area.

[This term is applicable to and mainly used when determining the minimum unobstructed vertical distance through the free atmosphere {*air gap (water distribution)*} required between the *water outlet* and the *flood rim level* of the *fixture* or receptacle into which it is discharging. This term may also be applicable when determining the minimum unobstructed vertical distance through the free atmosphere {*air gap (drainage system)*} required between a *liquid waste outlet* of an *indirect waste pipe* and the *flood rim level* of the *indirect waste receptor*.]

*Medical Facilities*—hospitals, ambulatory surgical centers, renal dialysis centers, nursing homes, doctor's offices, clinics, and similar facilities providing medical care.

*Nurses' Station*—an area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

*Scrub Sink*—a device usually located in the operating suite to enable operating personnel to scrub their hands prior to the operating procedure. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control

*Soiled Utility Room*—a small workroom, normally located near the nurses' station, which is designed and equipped for emptying, cleaning, and sometimes for steaming bedpans and patient urinals, and for no other purpose.

*Sterilizer, Boiling Type*—a device or *fixture* of the non-pressure design which is used for boiling instruments, utensils, and other equipment in order to disinfect them. Some devices are portable and others are connected to the *plumbing system*.

*Sterilizer, Instrument*—a device for the sterilization of various instruments.

*Sterilizer, Pressure Instrument Washer Sterilizer*—a device or *fixture* of the pressure vessel design which both washes and sterilizes instruments during the operating cycle of the device or *fixture*.

*Sterilizer, Pressure*—a device or *fixture* of the pressure vessel design which uses steam under pressure for sterilizing. Also called an *autoclave*.

*Sterilizer, Utensil*—a device or *fixture* for the sterilization of utensils used in hospital services.

*Sterilizer Vent*—a separate pipe or *stack*, indirectly connected to the building *drainage system* at the lower terminal, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from *pressure sterilizers*, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.

*Sterilizer, Water*—a device for sterilizing water and storing sterile water.

*Still*—a device used in distilling liquids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2881 (November 2012).

### §1303. Fixtures

A. Bedpans. Acceptable flush rim bedpan hoppers (clinical sink), bedpan washers, and/or other acceptable fixtures and equipment shall be provided for the disposing of bedpan contents and the cleansing and disinfection of bedpans in soiled utility rooms.

B. Clinical Sink. A clinical sink shall have an integral trap in which the upper portion of a visible trap seal provides a water surface. The fixture shall be so designed as to permit complete removal of the contents by siphonic or blowout action, or both, and to reseal the trap. A flushing rim shall provide water to cleanse the interior surface. The fixture shall have flushing and cleansing characteristics similar to a water closet.

C. Prohibited Use of Clinical and Service Sinks. A clinical sink serving a soiled utility room shall not be considered as a substitute for, nor shall it be used as, a janitor's service sink. A janitor's service sink shall not be used for the disposal of urine, fecal matter, or other human waste.

D. Ice Prohibited in Soiled Utility Room. Machines for manufacturing ice, or any device for the handling or storage of ice, shall not be located in a soiled utility room. Machines for manufacturing ice, or devices for handling or storage of ice intended for either human consumption or packs, may be located in a clean utility room, floor pantry, or diet kitchen.

E. Sterilizer Equipment Requirements. The following apply to sterilizer equipment.

1. It shall be unlawful to de-scale or otherwise submit the interior of water sterilizers, stills, or similar equipment to acid or other chemical solutions while the equipment is connected to the water or drainage system.

2. New pressure sterilizers and pressure instrument washer-sterilizers hereafter installed shall display, in a location clearly visible at all times, the ASME Standard symbol and data plate.

3. All sterilizer piping and devices necessary for the operation of sterilizers shall be accessible for inspection and maintenance, and shall satisfy the following.

a. Steam supplies to sterilizers, including those connected by pipes from overhead mains or branches, shall be drained to prevent any excess moisture from reaching the sterilizer. The condensate drainage from the steam supply shall be discharged by gravity.

b. Steam condensate return from sterilizers shall not be connected to pressure or vacuum return systems; only gravity returns shall be acceptable. Steam condensate returns

from sterilizers shall not be connected to overhead mains or branches.

c. Pressure sterilizers should be equipped with an acceptable means of condensing and cooling the exhaust steam vapors. Nonpressure sterilizers should be equipped with an acceptable device which will automatically control the vapors in a manner so as to confine them within the vessel, or equipped with an acceptable means of condensing and cooling the vapors.

d. Gas fired equipment or apparatus, requiring either water or drainage connections or both, shall meet the standards of the American National Standards Institute.

F. Special Elevations. Control valves, vacuum outlets, and devices which protrude from a wall of an opening, emergency, recovery, examining, or delivery room, or in a corridor or other locations where patients may be transported on a wheeled stretcher, shall be so located at an elevation which will preclude bumping the patient or stretcher against the device. When necessary to install at a low elevation, safety precautions should be taken to protect the personnel.

G. Plumbing in Mental Hospitals. In mental hospitals, special consideration should be given to piping, controls and fittings of plumbing fixtures as required by the types of mental patients being treated. Pipes or traps should not be exposed, and fixtures should be substantially bolted through walls.

H. Handwashing Facilities. Medical facilities, including doctor's offices and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2882 (November 2012).

### **§1305. Drainage and Venting**

A. Ice Storage Chest Drains. Any drain serving an ice storage chest or box shall discharge over an indirect waste receptor separate from all other fixture wastes. Each terminal shall discharge through an air gap (drainage system) above the receptor. The end shall be covered with a removable screen of not less than 10 mesh per square inch (15.5 mesh per 1000 sq mm), and if discharging vertically, the terminal shall be cut at an angle of 45° (0.785 rad).

B. Bedpan Washers and Clinical Sinks. Bedpan washers and clinical sinks shall be connected to the soil pipe system and vented following the requirements as applied to water closets, except that bedpan washers require additional local vents.

C. Sterilizer Wastes. Wastes for sterilizers shall conform with the following.

1. Indirect Wastes Required. All sterilizers shall be provided with individual and separate indirect wastes, with air gaps (drainage system) of not less than two diameters of the waste tailpiece. The upper rim of the receptor, funnel, or basket type waste fitting shall be not less than 2 inches (51 mm) below the vessel or piping, whichever is lower. Except as provided in Paragraphs 2 and 4 below of §1305.C, a "P" trap shall be installed on the discharge side of, and immediately below, the indirect waste connection serving each sterilizer.

2. Recess Room Floor Drain. Floor drains in a room or area where the sterilizer is recessed shall conform with the following.

a. In all recess rooms containing the recessed or concealed portions of sterilizers, not less than one acceptable floor drain, connecting to the drainage system, shall be installed in a manner to drain the entire floor area.

b. The recess room floor drain waste and trap shall be a minimum 3-inch (76 mm) diameter. It shall receive the drainage from at least one sterilizer within the recess room to assure maintenance of the floor drain trap seal. The sterilizer drain shall be installed on a branch taken off between the floor drain trap and the drain head. An individual waste trap shall not be required on this type of installation.

3. Prohibited Connections. Branch funnel and branch basket type fittings, except as provided in §1305.C.4 of this code below, are prohibited on any new installation or when relocating existing equipment. Existing branch funnel or branch basket type installations shall be provided with an acceptable indirect waste below the branch connections.

4. Battery Assemblies. A battery assembly of not more than three sterilizer wastes may drain to one trap, provided the trap and waste are sized according to the combined fixture unit rating, the trap is located immediately below one of the indirect waste connections, the developed distance of a branch does not exceed 8 feet (2438 mm), and the branches change direction through a tee-wye or wye pattern fitting.

5. Bedpan Steamers, Additional Trap Required. A trap with a minimum seal of 3 inches (76 mm) shall be provided in a bedpan steamer drain located between the fixture and the indirect waste connection.

6. Pressure Sterilizer. Except when an exhaust condenser is used, a pressure sterilizer chamber drain may be connected to the exhaust drip tube before terminating at the indirect waste connection. If a vapor trap is used, it shall be designed and installed to prevent moisture being aspirated into the sterilizer chamber. The jacket steam condensate return, if not connected to a gravity steam condensate return, shall be separately and indirectly wasted. If necessary to cool a high temperature discharge, a cooling receiver, trapped on its discharge side, may serve as the fixture trap.

7. Pressure Sterilizer Exhaust Condensers. The drain from the condenser shall be installed with an indirect waste as prescribed in this Part. If condensers are used on pressure sterilizers, the chamber drain shall have a separate indirect waste connection.

8. Water Sterilizer. All water sterilizer drains, including tank, valve leakage, condenser, filter and cooling, shall be installed with indirect waste and according to §1305.C.2.a of this code.

9. Pressure Instrument Washer-Sterilizer. The pressure instrument washer-sterilizer chamber drain and overflow may be interconnected. Also, they may be interconnected with the condensers. The indirect waste shall follow the provision set forth in this Part.

D. Aspirators. In operating rooms, emergency rooms, recovery rooms, delivery rooms, examining rooms, autopsy rooms, and other locations except laboratories, where aspirators are installed for removing blood, pus, or other

fluids, the discharge from any aspirator shall be indirectly connected to the drainage system. The suction line shall be provided with a bottle or similar trap to protect the water supply.

E. Vacuum System Stations. Vacuum system station locations shall be considered from the standpoint of convenience and practical use. The receptacles should be built into cabinets or recesses but shall be visible and readily accessible.

F. Bottle System. Vacuum (fluid suction) systems intended for collecting, removing or disposing of blood, pus or other fluids by the so-called bottle system shall be provided with receptacles, which are equipped with an overflow preventative device, at each vacuum outlet station. Each vacuum outlet station should be equipped with a secondary safety receptacle as an additional safeguard against fluids, other than air entering the vacuum piping systems.

G. Central Disposal System Equipment. All central vacuum (fluid suction) systems shall assure continuous service. Systems equipped with collecting or control tanks shall provide for draining and cleaning of the tanks while the system is in operation. In hospitals or institutions having emergency power provisions, the system shall be capable of remaining in service during the use of emergency power. The exhausts from a vacuum pump used in connection with a vacuum (fluid suction) system shall discharge separately to the outer atmosphere. The exhaust discharge shall not create a nuisance or hazard within, without, around or about the premises. Termination of the exhaust to the atmosphere shall be the same as required for sanitary sewer vents.

H. Central Vacuum and Disposal Systems. Central vacuum and disposal systems shall conform with the following.

1. The waste from a central vacuum (fluid suction) system of the disposal type which is connected to the drainage system, whether the disposal be by barometric lag, collection tanks, or bottles, shall be directly connected to the sanitary drainage system through a trapped waste.

2. The piping of a central vacuum (fluid suction) system shall be of corrosion resistant material having a smooth interior surface. A branch shall not be less than 1/2-inch for one outlet and sized according to the number of vacuum outlets, and a main shall not be less than 1-inch. The pipe sizing shall be increased according to acceptable engineering practices. All piping shall be provided with adequate and accessible cleanout facilities on mains, and branches, and shall be accessible for inspection, maintenance, and replacements.

I. Condensate Drains for Space Cooling and Heating Systems. The lowest point of a condensate riser or risers shall be trapped and discharged over an indirect waste sink. The trap may be either a "P" or a "running trap" with a cleanout. A branch shall be installed upstream from the condensate drain trap for flushing and resealing purposes. The condensate drain and trap shall be located above the lowest floor level of the building.

J. Vent Material. Material for local vents serving bedpan washers and sterilizer vents serving sterilizers shall be sufficiently rust proof, erosion and corrosion resistant to withstand intermittent wetting and drying from steam vapors, to withstand the distilled water solvent action of the

steam vapors and to withstand frequent and immediate changes of temperatures.

K. Vent Connections Prohibited. Connections between local vents serving bedpan washers, sterilizer vents serving sterilizing apparatus and normal sanitary plumbing systems are prohibited. Furthermore, only one type of apparatus shall be served by a given local vent.

L. Local Vents and Stacks. Local vents and stacks shall comply with the following.

1. Bedpan washers shall be vented to the outer atmosphere by means of one or more local vents. Termination of the vent to the atmosphere shall be the same as required for sanitary sewer vents. The local vent for a bedpan washer shall not be less than a 2-inch diameter pipe. A local vent serving a single bedpan washer may drain to the fixture served.

2. Where bedpan washers are located above each other on more than one floor, a local vent stack may be installed to receive the local vent on the various floors. More than three bedpan washers shall not be connected to a 2-inch local vent stack, six to a 3-inch local vent stack, and 12 to a 4-inch local vent stack. In multiple installations, the connections between a bedpan washer local vent and a local vent stack shall be made by use of the tee or tee-*we* sanitary pattern drainage fittings, installed in an upright position.

3. The bottom of the local vent stack, except when serving only one bedpan washer, shall be drained by means of a trapped and vented waste connection to the plumbing sanitary drainage system. The trap and waste shall be the same as the local vent stack.

4. A water supply of not less than 1/4-inch minimum tubing shall be taken from the flush supply of each bedpan washer on the discharge or fixture side of the vacuum breaker (taken off at least 4 inches below the critical level of the vacuum breaker), trapped to form not less than a 3-inch (76 mm) seal, and connected to the local vent stack on each floor. The water supply shall be so installed as to provide a supply of water to the local vent stack for cleansing and drain trap seal maintenance each time a bedpan washer is flushed.

M. Sterilizer Vents and Stacks. Sterilizer vents and stacks shall comply with the following.

1. Multiple installations of pressure and nonpressure sterilizers shall have their vent connections to the sterilizer vent stack made by means of inverted *w*ye fittings. Such vent connections shall be accessible for inspection and maintenance.

2. The connection between sterilizer vent or exhaust openings and the sterilizer vent stack shall be designed and installed to drain to the funnel or basket type waste fitting. In multiple installations, the sterilizer vent stack shall be drained separately to the lowest sterilizer funnel or basket type waste fitting or receptor.

N. Sterilizer Vent Stack Sizes. Sterilizer vent stack sizing shall comply with the following.

1. The minimum diameter of a sterilizer vent serving a bedpan steamer shall be 1 1/2 inches. Multiple installations shall be sized according to Table 1305.N.1 of this code below.

2. The minimum diameter of a sterilizer vent stack shall be 2 inches when serving a utensil sterilizer, and 1 1/2



inches when serving an instrument sterilizer. Combinations of boiling type sterilizer vent connections shall be based on Table 1305.N.1 of this code below.

3. Sterilizer vent stacks shall be 2 1/2 inches minimum. Those serving combinations of pressure sterilizer exhaust connections shall be sized according to Table 1305.N.2 of this code below.

4. The minimum diameter of a sterilizer vent stack serving an instrument washer-sterilizer shall be 2-inch diameter. Not more than two sterilizers shall be installed on a 2-inch stack, and not more than four on a 3-inch stack.

Table 1305.N.1 Stack Sizes for Bedpan Steamers and Boiling Type Sterilizers (in) (Number of connections of various sizes permitted to various sized sterilizer vent stacks)			
Stack Size (in)	Connection Size (in)		
	1 1/2		2
1 1/2 (see note 1)	1	or	0
2	2	or	1
2 (see note 2)	1	and	1
3 (see note 1)	4	or	2
3 (see note 2)	2	and	2
4 (see note 1)	8	or	4
4 (see note 2)	4	and	4

NOTES:

1. Total of each size.
2. Combination of sizes.

Table 1305.N.2 Stack Sizes for Pressure Sterilizers (in) (Number of connections of various sizes permitted to various sized vent stacks)				
Stack Size (in)	Connection Size (in)			
	3/4	1	1 1/4	1 1/2
1 1/2 (Note 1)	3 or	2 or	1 or	1
1 1/2 (Note 2)	2 and	1		
2 (Note 1)	6 or	3 or	2 or	1
2 (Note 2)	3 and	2		
2 (Note 2)	2 and	1 and	1	
2 (Note 2)	1 and	1 and	1	
3 (Note 1)	15 or	7 or	5 or	3
3 (Note 2)		1 and	2 and	2
	1 and	5 and		1

NOTES:

1. Total of each size.
2. Combination of sizes.

O. Radioactive Materials. All radioactive materials shall be disposed of in a manner so as not to create a hazard to operation and maintenance personnel of the institution or to the public. Specific permission shall be secured from the proper authority to dispose of any radioactive material to the drainage system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2883 (November 2012).

**§1307. Water Supply**

A. Water Service. All hospitals should have dual services installed in a manner to provide an uninterrupted supply of water in case of a water main break, etc.

B. Hot Water Distribution System. Hot water circulating mains and risers should be run from the hot water storage

tank to a point directly below the highest fixture at the end of each branch main. Where the building is higher than three stories, each riser shall be circulated. Each main, branch main, riser and branch to a group of fixtures of the water system shall be valved.

C. Vacuum Breaker Installations. The following shall be considered concerning the installation and use of vacuum breakers.

1. For ordinary hose connections, the maximum height at which any hose is to be used shall be treated as its flood level.

2. Where low volume flows might cause leaking or spitting at the vacuum breaker parts, back pressure may be developed by installing an acceptable minimum orifice valve on the discharge side of the vacuum breaker. This shall be in addition to the regular control valve. This type of installation shall be subject to review and acceptance by the plumbing official before installation.

D. Prohibited Water Closet and Clinical Sink Supply. Jet or water supplied orifices, except those supplied by the flush connections, shall not be located in or connected with a water closet bowl or clinical sink. This Subsection shall not prohibit an acceptable bidet installation.

E. Special Equipment, Water Supply Protection. Table 1307.E of this code sets forth the requirements which shall be followed in protecting the water supply for hospital fixtures against backflow or backsiphonage.

F. Clinical, Hydrotherapeutic and Radiological Equipment. All clinical, hydrotherapeutic, radiological, or any equipment, whether mentioned or not, which is water supplied or discharges to the waste system, shall meet the requirements of this Section and other Sections of this Part covering cross connectors, air gaps, vacuum breakers, and check valves. Special equipment and devices found under these classes include those listed in Table 1307.F of this code.

Table 1307.E Fixtures and Their Water Supply Protection		
Fixtures	Type of protection <sup>1</sup>	Remarks
<b>Aspirators:</b>		
Laboratory	Vacuum breaker	
Portable	Vacuum breaker	
Vacuum system	Vacuum breaker	
<b>Bedpan:</b>		
Washers	Vacuum breaker	
Washer hose	Vacuum breaker	Locate 5 ft above floor.
Boiling type sterilizer	Air gap	Not less than twice the effective opening of the water supply.
Exhaust condenser	Vacuum breaker	
Flush floor drain	Vacuum breaker	Locate 6 ft above floor.
Hose connection	Vacuum breaker	
<b>Pressure instrument:</b>		
Washer-sterilizer	Vacuum breaker	
Pressure sterilizer	Vacuum breaker	
<b>Vacuum systems:</b>		
Cleaning	Air gap or vacuum breaker	
Fluid suction	Air gap or vacuum breaker	

NOTE:

1. Where atmospheric vacuum breakers are used, they shall be installed after the last control valve.

G. Condensate Drain Trap Seal. A water supply shall be provided for cleaning, flushing, and resealing the condensate trap. The source of the water supply shall be a refrigerator condenser discharge, a drinking fountain waste, or other acceptable method of flushing and resealing the trap. The water supply shall be not less than 1/2-inch diameter pipe and shall discharge through an air gap not less than twice the diameter of the supply pipe.

H. Valve Leakage Diverter. Each water sterilizer which may be filled with water through directly connected piping shall be equipped with an acceptable leakage diverter and/or bleed-line on the water supply control valve to indicate and conduct any leakage of unsterile water away from the sterile zone.

Clinical	Hydrotherapeutic	Radiological	Other
Dental cuspidors	Control units	Diagnostic x-ray	Violet ray
Surgical cuspidors	Arm bath	Therapy x-ray	Photographic
Dental (flush rim)	Leg bath	X-ray transformers	developing
lavatories	Tub bath	X-ray oil tank	Film
Sitz bath	Immersion bath	Diffraction	developing
Emergency bath	Shower bath	X-ray developing	Microscopic
Receiving bath	Needle bath		
Prenatal bath	Tank		
Infant bath	Pool		
Prophylaxis	Hose		
Shampoo	Syringe douche		
Massage			

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2885 (November 2012).

### §1309. Medical Gas and Medical Vacuum Systems

A. Where medical gas and medical vacuum systems are installed, the gas piping, outlets, manifold rooms and storage rooms shall be installed in accordance with all of the requirements of the NFPA 99 by individuals properly licensed by the State Plumbing Board of Louisiana (see LAC 46:LV).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2886 (November 2012).

## Chapter 14. Reference Standards

### §1401. Scope

A. This Chapter contains the designations, names and edition of standards referenced in this code listed alpha-numerically and the Section numbers where they are referenced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2886 (November 2012).

### §1403. Referenced Standards

A. Products manufactured to those standards which are followed by the word "Listed" are required to be listed regardless of the standards' requirements for listing.

Standard Designation	Section/Table
ANSI A21.4-2008*, Cement-Mortar Lining for Ductile-Iron Pipe and Fittings for Water (same as AWWA C104)	Table 303
ANSI A21.10-2008 (R2012)*, Ductile-Iron and Gray-Iron Fittings (same as AWWA C110)	Table 603
ANSI A21.11-2006*, Rubber Gasket Joints for Ductile-Iron Pressure Pipe and Fittings (same as AWWA C111)	709.G
ANSI A21.51-2009*, Ductile-Iron Pipe, Centrifugally Cast (same as AWWA C151)	Table 603
ANSI A21.53 -2006*, Ductile-Iron Compact Fittings for Water Service (same as AWWA C153)	Table 603
ANSI A117.1-2003*, Standard for Accessible and Usable Buildings and Facilities	415.I.1, 415.I.3
ANSI A118.10-2008, Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installation	Table 303, 303.G.7.c
ANSI B16.32-1992, Cast Copper Alloy Solder Joint Fittings for Solvent Drainage Systems	Table 703
ANSI B16.43-1982, Wrought Copper and Copper Alloy Solder Joint Fittings for Solvent Drainage Systems	Table 703
ANSI B31.1-55, Code for Pressure Piping	621.D
ANSI Z4.1-1986 (R2005)*, Sanitation in Places of Employment, Minimum Requirement for	405.C, Table 411 - Footnote 13
ANSI Z21.10.1-2009, Gas Water Heaters, Volume I, Storage Water Heaters with Input Ratings of 75,000 Btu per Hour or Less (same as CSA 4.1)	503.B
ANSI Z21.10.3-2011, Gas Water Heaters Volume III, Storage, with Input Ratings Above 75,000 Btu per Hour, circulating and instantaneous (same as CSA 4.3)	503.B
ANSI Z21.22-1999(R2008)*, Relief Valves for Hot Water Supply Systems (same as CSA 4.4M)	501.F.1, 511.A.2, 511.G
ANSI Z124.1.2-2005*, Plastic Bathtub and Shower Units	Table 407, Table 415.I
ANSI Z124.3-2005*, Plastic Lavatories	Table 407
ANSI Z124.4-2006*, Plastic Water Closet Bowls and Tanks	Table 407
ANSI Z535.1-2006 (R2011), American National Standard for Safety Colors	607.A
APSP 2-1999*, Public Spas	Table 415.K
APSP 3-1999*, Permanently Installed Residential Spas	Table 415.K
APSP 6-1999*, Residential Portable Spas	Table 415.K
APSP 16-2011*, Standard Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs (same as ASME A112.19.8)	415.K.2, 415.O.6
ARI 1010-2002, Drinking Fountains and Self-Contained, Mechanically-Refrigerated Drinking-Water Coolers	415.C.1
ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications, 1998 Edition	315.D
ASME A13.1-2007*, Scheme for the Identification of Piping Systems	607.A.1, 607.A.3, 607.B
ASME A112.1.2-2004*, Air Gaps in Plumbing Systems	415.C.1, 415.C.2, 609.A.1, Table 609, 609.C.7, 609.F.2
ASME A112.3.1-2007*, Stainless Steel Drainage Systems for Sanitary DWV, Storm, and Vacuum Applications, Above- and Below Ground	703.C.1, 703.D, Table 703
ASME A112.3.4-2000*, Macerating Toilet Systems and Related Components	Table 407, 729.C

Standard Designation	Section/Table
ASME A112.4.1-2009, Water Heater Relief Valve Drain Tubes	Table 511
ASME A112.6.1M-1997 (R2002)*, Supports for Off-the-Floor Plumbing Fixtures for Public Use (Floor -Affixed)	Table 303
ASME A112.6.2-2000*, Framing-Affixed Supports for Off-the-Floor Water Closets with Concealed Tanks	Table 303
ASME A112.6.3-2001*, Floor Drains	Table 303
ASME A112.6.4-2003 (R2008)*, Roof, Deck, and Balcony Drains (dual roof drain assemblies wherein the inlets of both are enclosed in the same strainer are prohibited)	Table 303
ASME A112.14.1-2003 (R2008)*, Backwater Valves	705.G.2
ASME A112.14.3-2000 (R2004)*, Grease Interceptors	1005.N.1, 1005.N.5.a, 1005.N.6.a
ASME A112.18.1-2005*, Plumbing Fixture Fittings (same as CSA B125.1)	Table 407
ASME A112.18.2-2011, Plumbing Waste Fittings (Same as CSA B125.2)	Table 407
ASME A112.18.3-2002*, Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings	Table 407, 609.C.7
ASME A112.18.6-2009, Flexible Water Connectors (same as CSA B125.6)	Table 407, 509.B
ASME A112.19.1-2008*, Enameled Cast Iron and Enameled Steel Plumbing Fixtures (same as CSA B45.2)	Table 407, 415.C.1
ASME A112.19.2-2008*, Ceramic Plumbing Fixtures (same as CSA B45.1)	Table 407, 415.C.1
ASME A112.19.3-2008*, Stainless Steel Plumbing Fixtures (same as CSA B45.4)	Table 407
ASME A112.19.4M-1994 (R2008)*, Porcelain Enameled Formed Plumbing Fixtures	Table 407
ASME A112.19.5-2011, Trim for Water-Closet Bowls, Tanks and Urinals (same as CSA B45.15)	Table 407
ASME A112.19.6-1995*, Hydraulic Performance Requirements for Water Closets & Urinals	Table 407
ASME A112.19.7-2012, Hydromassage Bathtub Systems (same as CSA B45.10)	415.O.4, 415.O.5
ASME A112.19.8-2007*, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs (same as APSP 16)	415.K.2, 415.O.6
ASME A112.19.9M-1991 (R2002)*, Non-vitreous Ceramic Plumbing Fixtures	Table 407
ASME A112.19.19-2006, Vitreous China Nonwater Urinals	Table 407
ASME A112.36.2M-1991 (R2002)*, Cleanouts	Table 303
ASME B1.20.1-1983 (R2006)*, Pipe Threads, General Purpose (Inch)	313.B
ASME B16.3-2011, Malleable Iron Threaded Fittings, Classes 150 and 300	Table 603
ASME B16.4-2011, Gray Iron Threaded Fittings, Classes 125 and 250	Table 603
ASME B16.5-2009, Pipe Flanges and Flanged Fittings	Table 603
ASME B16.12-2009, Cast-Iron Threaded Drainage Fittings	Table 703
ASME B16.15-2011, Cast Bronze Threaded Fittings, Classes 125 and 250	Table 603
ASME B16.18-2001, Cast Copper Alloy Solder Joint Pressure Fittings	Table 603
ASME B16.22-2001*, Wrought Copper and Copper Alloy Solder Joint Pressure Fittings	Table 603
ASME B16.23-2011, Cast Copper Alloy Solder Joint Drainage Fittings-DWV	Table 703
ASME B16.24-2011, Cast Copper Alloy Pipe Flanges: Class 150, 300, 400, 600, 900, 1500, and 2500	Table 603
ASME B16.26-2006*, Cast Copper Alloy Fittings for Flared Copper Tubes	Table 603
ASME B 16.29-2007*, Wrought Copper and	Table 703

Standard Designation	Section/Table
Wrought Copper Alloy Solder Joint Drainage Fittings-DWV	
ASME B16.34-2009, Valves-Flanged Threaded, and Welding End	Table 603
ASME B16.45-1998 (R2006)*, Cast Iron Fittings for Solvent Drainage Systems	1811.E.3
ASSE 1001-2008*, Performance Requirements for Atmospheric-Type Vacuum Breakers	Table 609
ASSE 1002-2008*, Anti-Siphon Fill Valves for Water Closet Tanks	Table 609
ASSE 1003-2009*, Performance Requirements for Water Pressure Reducing Valves for Domestic Water Distribution Systems	611.J.1, 611.J.6
ASSE 1010-2004*, Performance Requirements for Water Hammer Arresters	Table 407, 611.I.1
ASSE 1011-2004*, Performance Requirements for Hose Connection Vacuum Breakers	Table 609
ASSE 1012-2009*, Performance Requirements for Backflow Preventers with Intermediate Atmospheric Vent	Table 609, 609.C.5
ASSE 1013-2011*, Performance Requirements for Reduced Pressure Principle Backflow Preventers and Reduced Pressure Principle Fire Protection Backflow Preventers	Table 609, 609.C.5
ASSE 1014-2005, Performance Requirements for Backflow Prevention Devices for Hand Held Showers	Table 303
ASSE 1015-2011*, Performance Requirements for Double Check Backflow Prevention Assemblies and Double Check Fire Protection Backflow Prevention Assemblies	Table 609
ASSE 1016-2011*, Performance Requirements for Automatic Compensating Valves for Individual Showers and Tub/Shower Combinations	Table 623, 623.A.1, 623.A.2
ASSE 1017-2009*, Performance Requirements for Temperature Actuated Mixing Valves for Hot Water Distribution Systems	623.A, Table 623
ASSE 1018-2001*, Performance Requirements for Trap Seal Primer Valves - Potable Water Supplied	415.E.4.a, 625.D.1
ASSE 1019-2011*, Performance Requirements for Vacuum Breaker Wall Hydrants, Freeze Resistant, Automatic Draining	Table 303, Table 609
ASSE 1020-2004*, Pressure Vacuum Breaker Assembly	Table 609
ASSE 1022-2003*, Backflow Preventers for Beverage Dispensing Equipment	Table 609
ASSE 1035-2008*, Performance Requirements for Laboratory Faucet Backflow Preventers	Table 303, Table 609
ASSE 1037-1990, Performance Requirements for Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures	Table 303
ASSE 1043-1992, Performance Standard for Cast Iron Solvent Sanitary Drainage Systems	1811.E.3
ASSE 1044-2001*, Performance Requirements for Trap Seal Primer Devices, Drainage Types and Electronic Types	415.E.4
ASSE 1047-2011*, Performance Requirements for Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies	Table 609
ASSE 1048-2011*, Performance Requirements for Double Check Detector Fire Protection Backflow Prevention Assemblies	Table 609
ASSE 1052-2004*, Performance Requirements for Hose Connection Backflow Preventers	Table 609
ASSE 1056-2001*, Performance Requirements for Spill Resistant Vacuum Breakers	Table 609
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ASTM D395-2003 (R2008), Standard Test Methods for Rubber Property-Compression Set. See §711.D of this code	Table 303
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ASTM D 789-2007e1, Standard Test Methods for Determination of Solution Viscosities of Polyamide (PA)	Table 303
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ASTM D 2564-2004 (R2009)e1*, Standard Specification for Solvent Cements for Poly(Vinyl Chloride)(PVC) Plastic Piping Systems. Listed	Table 303
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ASTM D2751-2005, Standard Specification for Acrylonitrile- Butadiene-Styrene (ABS) Sewer Pipe and Fittings	Table 703
ASTM D2774-2012, Standard Practice for Underground Installation of Thermoplastic Pressure Piping	Table 303
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ASTM D 2855-1996 (R2010), Standard Practice for Making Solvent-Cemented Joints with Poly (Vinyl Chloride)(PVC) Plastic Pipe and Fittings	Table 303
ASTM D3034-2008, Standard Specification for Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Table 703
ASTM D-3138-04(2011), Standard Specification for Solvent Cements for Transition Joints Between Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Non-Pressure Piping Components	Table 303, 711.D.4 Note: This is not an all-purpose cement. Only to be utilized for joining an ABS building drain to a PVC building sewer.
ASTM D3139-1998 (R2011), Standard Specification for Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals. See §313.H.2 of this code	Table 603
ASTM D3212-2007*, Standard Specification for Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals	Table 703
ASTM D4068-2009, Standard Specification for Chlorinated Polyethylene (CPE) Sheeting for Concealed Water-Containment Membrane	303.G.7, Table 415.I
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ASTM F1412-2009, Standard Specification for Polyolefin Pipe and Fittings for Corrosive Waste Drainage Systems	Table 703, 703.F, 709.C
ASTM F1488-2009e1, Standard Specification for Coextruded Composite Pipe	Table 703
ASTM F1499-2012, Standard Specification for Coextruded Composite Drain, Waste, and Vent Pipe (DWV)	Table 703
ASTM F1673-2010, Standard Specification for Polyvinylidene Fluoride (PVDF) Corrosive Waste Drainage Systems	Table 703, 703.F
ASTM F1807-2011ae1, Standard Specification for Metal Insert Fittings Utilizing a Copper Crimp Ring for SDR9 Cross-linked Polyethylene (PEX) Tubing	Table 603
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AWS B2.2/B2.2M:2010, Specification for Brazing Procedure and Performance Qualification	315.D
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CAN/CSA-B-182.4-2006, Profile PVC Sewer Pipe and Fittings	Table 703
CDA Copper Sovent Single Stack Plumbing System Design Handbook No. 402/0 ( <i>For informational purposes only since is alternate designed plumbing governed under Chapter 12 requirements of this code</i> )	1811.E.3
CDA Copper Tube Handbook ( <i>For informational purposes only</i> )	Table 1805.F
CISPI HS 74-86, Standard Specification for Cast Iron Soil Pipe and Fittings for Hub and Spigot Sanitary and Storm Drain, Waste and Vent Piping Applications	Table 703
CISPI HSN 85, Standard Specification for Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings	Table 303
CISPI 301-09, Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications	Table 703
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CSA 4.1-2009, Gas Water Heaters, Volume 1, Storage Water Heaters with Input Ratings of 75,000 Btu per Hour or Less (same as ANSI Z21.10.1)	503.B
CSA 4.3-2011, Gas Water Heaters Volume III, Storage, with Input Ratings Above 75,000 Btu per Hour, circulating and instantaneous (same as ANSI Z21.10.3)	503.B
CSA 4.4M-1999(R2008)*, Relief Valves for Hot Water Supply Systems (same as ANSI Z21.22)	501.F.1, 511.A.2, 511.G
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IAPMO Z124.5-2006, Plastic Toilet (Water Closet) Seats	Table 303
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NFPA 70-2010 National Electrical Code	731.H.2, 1101.G.3
NFPA 99-2012, Health Care Facilities Code	1302, G105
NFPA1192-2008, Standard on Recreational Vehicles	1501.A, 1601.A
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NSF 24-2010*, Plumbing System Components for Mobile Homes & Recreational Vehicles	Table 603
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NSF/ANSI 372-2010*, Drinking Water System Components-Lead Content	303.F, 613.A, 619.A.3
PDI-G101-2010, Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data	1005.N.1, 1005.N.5.a, 1005.N.6.a
PDI-WH201-2006, Water Hammer Arresters	611.I.1
SBCCI Standard Building Code, 1994 Edition	203,
UFL's TREEO's "Backflow Prevention - Theory and Practice", 2nd Edition, 2004	319.F
UL 174-2004, Household Electric Storage Tank Water Heaters	503.A
USC's FCCC&HR's "Manual of Cross-Connection Control", Tenth Edition, 2009	319.F

\*ANSI designated as an American National Standard

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2886 (November 2012).

#### §1405. Organizations

A. The following is a list by name and address of those agencies, associations, institutes and others that are referred to in this code by name, initials or symbols. Further there are those listed, for convenience, whose technical and other services are made available to this Part.

AGA	American Gas Association, Inc. 400 North Capitol Street, NW, Suite 450 Washington, D.C. 20001 Tel. (202)824-7000 www.aga.org
AHRI	Air-Conditioning, Heating, and Refrigeration Institute 2111 Wilson Boulevard, Suite 500 Arlington, Virginia 22201 Tel. (703) 524-8800 Fax (703) 562-1942 www.ahrinet.org
ANSI	American National Standards Institute, Inc. 25 West 43 <sup>rd</sup> Street, 4 <sup>th</sup> Floor New York, New York 10036 Tel. (212) 642-4900 Fax (212) 398-0023 www.ansi.org
ARI	Air Conditioning & Refrigeration Institute (effective January 1, 2008, now AHRI)
APSP	Association of Pool & Spa Professionals (formerly National Spa and Pool Institute) 2111 Eisenhower Avenue, Suite 500 Alexandria, Virginia 22314-4695 Tel. (703) 838-0083 Fax (703) 549-0493 www.apsp.org
ASME	American Society of Mechanical Engineers Information Central - Orders/Inquiries P.O. Box 2300 Fairfield, New Jersey 07007-2300 Tel. (800) 843-2763 www.asme.org
ASSE	American Society of Sanitary Engineering 901 Canterbury, Suite A Westlake, Ohio 44145 Tel. (440) 835-3040 Fax (440) 835-3488 www.asse-plumbing.org
ASTM International	American Society for Testing and Materials International 100 Barr Harbor Drive West Conshohocken, Pennsylvania 19428-2959 Tel. (610) 832-9500 Fax (610) 832-9555 www.astm.org
AWS	American Welding Society 550 N.W. LeJeune Road Miami, Florida 33126 Tel. (305) 443-9353 Tel. (800) 443-9353 Fax (305) 443-7559 www.aws.org
AWWA	American Water Works Association 6666 West Quincy Avenue Denver, Colorado 80235-3098 Tel. (303) 794-7711 Tel. (800) 926-7337 Fax (303) 347-0804

CDA	Copper Development Association, Inc. 260 Madison Ave. New York, New York, New York 10016 Tel. (212) 251-7200 Fax (212) 251-7234 www.copper.org
CISPI	Cast Iron Soil Pipe Institute 5959 Shallowford Road, Suite 419 Chattanooga, Tennessee 37421 Tel. (423) 892-0137 www.cispi.org
CAN/CSA	Canadian Standards Association 5060 Spectrum Way, Suite 100 Mississauga, Ontario Canada L4W 5N6 Tel. (416) 747-4000 Tel. (800) 463-6727 www.csa.ca
FMRC	Factory Mutual Research Corporation FM Approvals, LLC Approval Standards 1151 Boston-Providence Turnpike, P.O. Box 9102 Norwood, Massachusetts 02062-9102 Tel. (781) 762-4300 Fax (781) 762-9375 www.fmglobal.com
FS	Federal Specifications General Services Administration Federal Supply Service Specification Section 301 7 <sup>th</sup> Street SW, Room 6628 Washington, D.C. 20407 Tel. (202) 619-8925 Fax (202) 619-8985 www.gsa.gov (go to "http://www.gsa.gov/portal/content/100847" for an index of Federal Specifications)
IAPMO	International Association of Plumbing and Mechanical Officials 5001 E. Philadelphia Street Ontario, California 91761-2816 Tel. (909) 472-4100 Fax (909) 472-4150 www.iapmo.org
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PPI	Plastics Pipe Institute A Division of the Plastics Industry, Inc. 105 Decker Court, Suite 825 Irving, Texas 75062 Tel. (469) 499-1044 Fax (469) 499-1063 www.plasticpipe.org (Note: "more PE pipe focus")
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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2891 (November 2012).

### **Chapter 15. Travel Trailers and Travel Trailer Parks [formerly Appendix B - Travel Trailers and Travel Trailer Parks]**

#### **§1501. General**

A. With the exception of §1523 of this code, the requirements set forth in this Chapter shall apply specifically to all new travel trailer parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers. Plumbing installations within travel trailers shall be installed in accordance with NFPA 1192.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2892 (November 2012).



### §1503. Definitions

A. Definitions contained in Chapter 2 of this code shall also apply to this Chapter except where the following special definitions shall apply.

*Air Lock*—a condition where air is trapped in a *drain* or *drain hose* and retards or stops the flow of *liquid waste* or *sewage*.

*Center*—the longitudinal center line located midway between the right and the left side of a *mobile/manufactured home* or *travel trailer*.

*Combination Compartment*—a shower stall with or without a door which provides for or includes a water closet. It is sized for occupancy of only one person.

*Department Having Jurisdiction*—the administrative authority/authorities or other law enforcement agency/agencies having jurisdiction over this Code.

*Dependent Travel Trailer*—a travel trailer not equipped with a water closet.

*Drain Hose*—the approved type hose, flexible and easily detachable, used for connecting the *drain outlet* on a *travel trailer* to a *sewer inlet* connection.

*Drain Outlet*—the lowest end of the main drain of a travel trailer itself to which a *drain hose* is connected.

*Independent Mobile/Manufactured Home or Travel Trailer*—a *mobile/manufactured home* or *travel trailer* equipped with a water closet and a bath or shower.

*Inlet Coupling*—the terminal end of the branch water line to which the *mobile/manufactured home* or *travel trailer's* water service connection is made. It may be a swivel fitting or threaded pipe end.

*Intermediate Waste Holding Tank*—(*travel trailers* only) an enclosed tank for the temporary retention of water-borne waste.

*Length*—the distance measured from the tip of the hitch to the part farthest to the rear of a *mobile/manufactured home* or *travel trailer*.

*Park or Mobile/Manufactured Home Park or Travel Trailer Park*—any lot, tract, parcel or plot of land upon which more than one *travel trailer* and/or *mobile/manufactured homes* parked for the temporary or permanent use of a *person* or *persons* for living, working or congregating.

*Park Drainage System*—the entire system of drainage piping within the *park* which is used to convey *sewage* or other *wastes* from the *mobile/manufactured home* or *travel trailer drain outlet* connection, beginning at its *sewer inlet* connection at the *mobile/manufactured home* or *travel trailer* site, to a *community sewerage system*, a *commercial treatment facility*, or an *individual sewerage system*.

*Park Water Distribution System*—all of the water distribution piping within the *park*, extending from the water supply system or other source of supply to, but not including, the *mobile/manufactured home* or *travel trailer's* water service connection, and including branch service lines, *fixture* devices, service buildings and appurtenances thereto.

*Service Building*—a building housing toilet and bathing facilities for men and women, with laundry facilities.

*Sewer Inlet*—a sewer pipe connection permanently provided at the *travel trailer* or *mobile/manufactured home* site which is designed to receive *sewage* when a *travel trailer* or a *mobile/manufactured home* is parked on such

site. It is considered the upstream terminus of the *park drainage system*.

*Sewer Lateral*—that portion of the park drainage system extending from the main to the sewer inlet connection at a mobile/manufactured home or travel trailer site.

*Trailer Trap*—a device, fitting or assembly of fittings installed in the *sewer lateral* for a *travel trailer* or *mobile/manufactured home* which is used to prevent the circulation of air between the *park drainage system* and the drainage system of the individual *travel trailer* or *mobile/manufactured home*.

*Travel Trailer*—a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than 320 square feet.

*Travel Trailer Sanitary Service Station*—a sewage inlet with cover, surrounded by a concrete apron sloped inward to the *drain*, and watering facilities to permit periodic washdown of the immediately adjacent area, to be used as a disposal point for the contents of *intermediate waste holding tanks* of *travel trailers*.

*Water Service Connection*—as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2893 (November 2012).

### §1505. General Regulations

A. Governing Provisions. Other general provisions of this code shall govern the installation of plumbing systems in travel trailer parks, except where special conditions or construction are specifically defined in this Chapter.

B. Travel Trailer Sites. Travel trailers shall comply with the following when parked in a travel trailer park.

1. Travel trailers shall not hereafter be parked in any travel trailer park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with these regulations. Every travel trailer shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.

2. No dependent travel trailer shall be parked at any time in a space designed and designated for an independent travel trailer unless public toilet and bath facilities are available within 200 ft (61 m) of the dependent travel trailer.

C. Travel Trailer Sanitary Service Station. At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2893 (November 2012).

### §1507. Plans and Specifications

A. The owner or operator of every travel trailer park, before providing areas of space for the use and accommodation of travel trailers, shall make application for a permit (where such permit is required by state, parish, city or other local laws or ordinances) or, regardless of whether or not an actual permit is required, shall file two sets of plans and specifications with the department(s) having jurisdiction for their review and approval. The plans and specifications shall be in detail and shall include/comply with the following:

1. a scaled plot plan of the park, indicating the spaces, area or portion of the park for the parking of travel trailers;
2. the size, location and specification of the park drainage system;
3. the size, location and specification of water supply lines;
4. the size, location and layout of service building (see §1509 of this code);
5. the size, location, specification and layout of the fire protection system, if applicable;
6. a scaled layout of typical trailer sites;
7. applications/submittals shall bear the approval of the local enforcement agencies as to compliance with city or parish plumbing, zoning and health ordinances;
8. plumbing required by this Chapter shall comply with all city, parish and state plumbing and health ordinances and regulations;
9. the issuance of a permit (or an approval of a submittal) shall not constitute approval of any violation of this code or violation of any city or parish ordinance or regulation; and,
10. an approved set of plans and specifications and a copy of the permit (or written approval of a submittal) shall be kept on the park premises until the final inspection has been made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2894 (November 2012).

### §1509. Service Buildings

A. Each travel trailer park shall have at least one service building to provide necessary sanitation and laundry facilities as specified in §§1509.B through 1509.E of this code. The service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.

#### B. Service Building for Independent Trailers

1. The service building(s) of only independent travel trailer parks shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain shall be provided.

2. The laundry tray or clothes washing machine and drinking fountain shall be located in a common area. None of these fixtures shall be located within any toilet room.

#### C. Service Building for Dependent Trailers

1. The service building(s) in parks that also accommodate dependent travel trailers shall have a

minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: One laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).

2. The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room.

D. Hot and cold water shall be provided for all plumbing fixtures except water closets, urinals and drinking fountains.

E. Each water closet, tub and/or shower shall be in separate compartments, with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 ft (914 x 914 mm) in area, with a dressing compartment with a stool or bench for females.

F. Floor Drains. A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room (see §415.E of this code).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2894 (November 2012).

### §1511. Materials

A. Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks, or parts thereof, shall conform to the quality and weights of materials required by the *Louisiana State Plumbing Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2894 (November 2012).

### §1513. General Regulations

A. Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in a park drainage, water distribution system and service connections shall be installed in conformance with the *Louisiana State Plumbing Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2894 (November 2012).

### §1515. Park Drainage System

A. The sewer main and sewer laterals shall be installed in a separate trench not less than 5 feet (1524 mm) from the park water service or distribution system (see §§613.C and 613.D of this code).

B. The minimum size of pipe in any travel trailer park drainage system shall be 4 inches.

C. Each travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

D. Minimum *grade<sub>(S)</sub>* for sewers shall be so designed that the flow will have a mean velocity of 2 fps (0.6096 m/s) when the pipe is flowing half full.

E. The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).

F. Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to *grade<sub>(G)</sub>*.

G. When in a travel trailer park (i.e., other than a single travel trailer on its own lot), the sewer main shall be provided with a minimum 4-inch vent, not more than 5 feet (1524 mm) downstream from its upper trap. Long mains shall be provided with additional relief vents at intervals of not more than 200 feet (61 m) thereafter. These relief vents shall be a minimum of 4 inches and shall be securely supported and extended a minimum of 10 feet (3048 mm) above *grade<sub>(G)</sub>*.

H. Branch lines or sewer laterals to individual travel trailers shall be not less than 4-inch diameter.

I. Sewer inlets shall be 4-inch diameter and extend above *grade<sub>(G)</sub>* 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a trailer and have a gas-tight seal plug for use when not in service.

J. Each trailer site shall be provided with a trailer trap. Sewer laterals over 30 ft (9144 mm) from the main park drainage sewer shall be provided with an individual vent and shall also be provided with a 4-inch cleanout brought to *grade<sub>(G)</sub>*. When an individual vent for the sewer lateral/trailer trap is required, it shall be 3-inch minimum (upstream of the clean out fitting) and shall extend not less than 10 inches above the roof of the travel trailer.

K. To provide the shortest possible drain connection between the travel trailer outlet and sewer inlet, all sewer inlets should terminate with reference to the site location of the travel trailer.

L. Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.

M. No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.

N. Testing the Park Drainage System. Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with §§319.A and 319.B.1 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2894 (November 2012).

#### **§1517. Water Distribution System**

A. General. Every travel trailer site shall be provided with an individual branch water service line delivering potable water. The outlet of the branch water service line shall terminate on the left side of the site of the travel trailer.

B. Minimum Size. Water service lines to each trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution

system. All water service lines shall be a minimum of ¾ inch.

C. Backflow. A minimum of a double check valve assembly backflow preventer shall be installed on the water service line to each independent trailer at, or near, the trailer's water service connection. Backflow preventer devices shall meet the requirements of §609.B and Table 609 of this code. Check valves shall be designed and maintained to close drip tight at a reduced pressure of not less than 1 nor more than 5 psi (6.9 to 34.5 kPa). Check valves must be identified with the manufacturer's name and model number.

D. Separate Service Shutoff. A separate service shutoff valve shall be installed in each water service line on the supply side of the backflow preventer device. Per §617.A of this code, such separate shutoff valve shall be a full port ball valve.

E. Water Service Connections. The water service connection from the water service line to the trailer shall be not less than 1/2-inch diameter. A rigid pipe shall not be used. Flexible metal tubing is permitted. Fittings at either end shall be of a quick disconnect type not requiring any special tools or knowledge to install or remove.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2895 (November 2012).

#### **§1519. Travel Trailer Connections**

A. Responsibility. When it is evident that there exists, or may exist, a violation of these rules, the owner, operator, lessee, person in charge of the park, or any other person causing a violation shall cause it to be corrected immediately or disconnect the service connection and travel trailer drain connection from the respective park water service line and sewer lateral.

B. Drain Connections. Travel trailer drain connections shall be of approved semi rigid or flexible reinforced hose having smooth interior surfaces of not less than 3-inch inside diameter. Drain connections shall be equipped with a standard quick disconnect screw or clamp type fitting, not less in size than the outlet. Drain connections shall be gastight and no longer than necessary to make the connection between the travel trailer outlet and the trap inlet on the site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2), (3), (7), (9), (16), (17), and (20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2895 (November 2012).

#### **§1521. Maintenance**

A. All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2895 (November 2012).

#### **§1523. Individual Travel Trailers**

A. Individual travel trailers located within previously constructed travel trailer parks shall be provided with a trailer trap in accord with §1003.E of this code.

- APPROVED MATERIALS FOR TRAP & VENT:
- (1) CAST IRON PIPE & FITTINGS.
  - (2) ABS OR PLASTIC PIPE & FITTINGS (SCH. 40)

- APPROVED SEWER PIPES:
- (1) CAST IRON SEWER PIPE.
  - (2) VITRIFIED CLAY SEWER PIPE.
  - (3) APPROVED PLASTIC PIPE AND FITTINGS (MIN. SDR 35)
- (NOTE: FROM A POINT AT LEAST 3 FEET OUTSIDE THE EDGE OF THE TRAILER TO THE SEWAGE SYSTEM.)

- NOTES: (1) ASTM D2729 IS NOT APPROVED FOR ANY PART OF THE SYSTEM.
- (2) INSTALL 4" CLEANOUT FOR TRAILER CONNECTION AND TERMINATE 3 TO 6 INCHES ABOVE GRADE.
  - (3) INSTALL 3" MALE ADAPTER IN TRAILER CONNECTION.

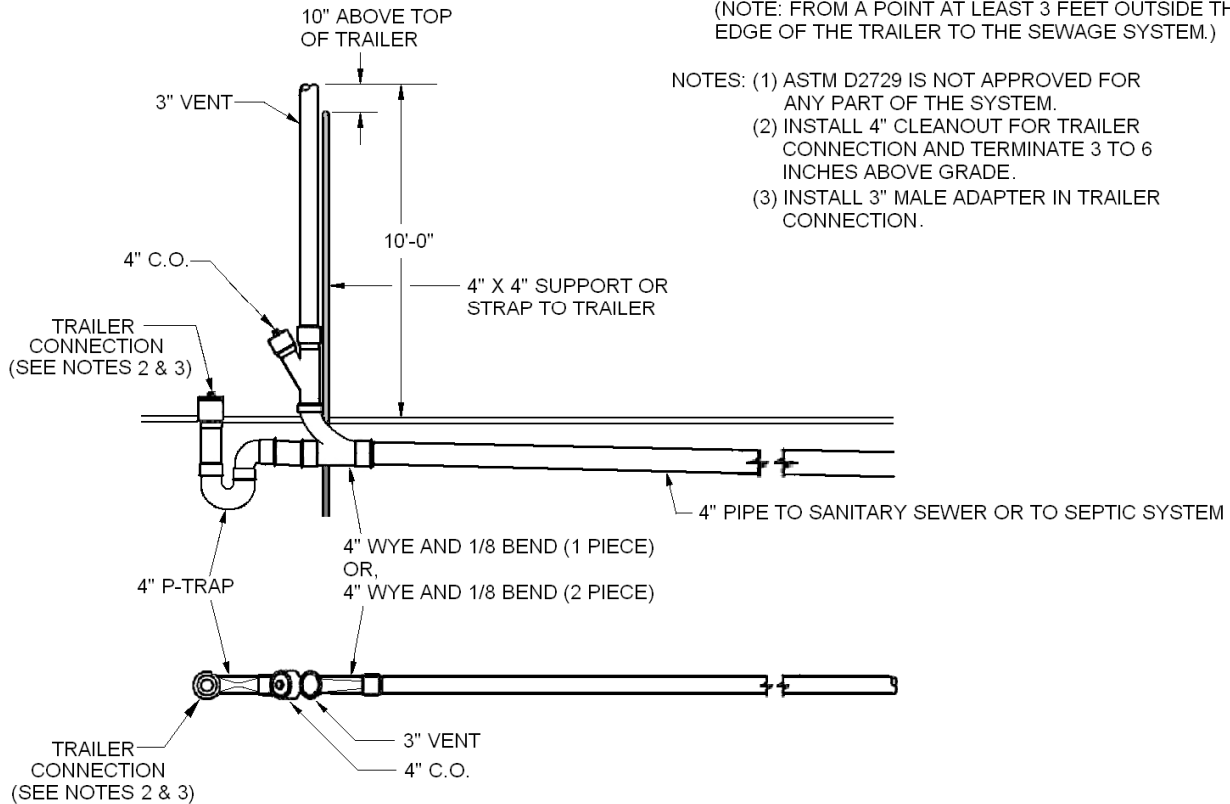


Figure 1523.A—Trailer Trap and Vent

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2895 (November 2012).

**Chapter 16. Mobile/Manufactured Homes and Mobile/Manufactured Home Parks [formerly Appendix C—Mobile/Manufactured Homes and Mobile/Manufactured Home Parks]**

**§1601. Purpose, Application and Scope**

A. With the exception of §1623 of this code, the requirements set forth in this Chapter shall apply specifically to all new mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodation, use and parking of mobile/manufactured homes. Plumbing installations within mobile/manufactured homes shall be installed in accordance with NFPA 1192.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2896 (November 2012).

**§1603. Definitions**

A. Definitions contained in Chapter 2 and Section 1503 of this code shall also apply to this Chapter, except where the following special definition shall apply.

*Mobile/Manufactured Home*—a vehicular, portable structure built on a chassis and designed to be used as a dwelling without a permanent foundation when connected to indicated utilities per NFPA 1192.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2896 (November 2012).

**§1605. General Regulations**

A. Other general provisions of this code shall govern the installation of plumbing systems in mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.

B. Mobile/manufactured homes shall not hereafter be parked in any mobile/manufactured home park unless plumbing and sanitation facilities have been installed and maintained in conformity with these regulations. Every mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be

connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2897 (November 2012).

#### **§1607. Plans and Specifications**

A. The owner or operator of every mobile/manufactured home park, or the plumbing contractor employed by him before providing areas of space for the use and accommodation of mobile/manufactured homes, shall make application for a permit (where such permit is required by state, parish, city or other local laws or ordinances) or regardless of whether or not an actual permit is required, shall file two sets of plans and specifications with the department(s) having jurisdiction for their review and approval. The plans and specifications shall be in detail and shall include/comply with the following:

1. a scaled plot plan of the park, indicating the spaces, area or portion of the park for the parking of mobile/manufactured homes;
2. size, location and specification of park drainage system;
3. size, location and specification of water supply lines;
4. size, location and layout of service building, if applicable (see §1619 of this code);
5. size, location, specification and layout of the fire protection system, if applicable;
6. a scaled layout of typical mobile/manufactured home sites;
7. applications/submittals shall bear the approval of the local enforcement agencies as to compliance with city or parish plumbing, zoning and health ordinances;
8. plumbing required by this Chapter shall comply with all city, parish and state plumbing and health ordinances and regulations;
9. the issuance of a permit (or an approval of a submittal) shall not constitute approval of any violation of this code or violation of any city or parish ordinance or regulation; and
10. an approved set of plans and specifications and a copy of the permit (or written approval of a submittal) shall be kept on the park premises until the final inspection has been made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2897 (November 2012).

#### **§1609. Materials**

A. Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for mobile/manufactured home parks, or parts thereof, shall conform to the quality and weights of materials required by the Louisiana State Plumbing Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2897 (November 2012).

#### **§1611. General Regulations**

A. Unless otherwise provided for in this Chapter, all plumbing fixtures, piping, drains, appurtenances and appliances designed and used in a park drainage, water distribution system and service connections shall be installed in conformance with the Louisiana State Plumbing Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2897 (November 2012).

#### **§1613. Park Drainage System**

A. The sewer main and sewer laterals shall be installed in a separate trench not less than 5 feet (1524 mm) from the park water service or distribution system. See §§613.C and 613.D of this code.

B. The minimum size of pipe in any mobile/manufactured home park drainage system shall be 4 inches.

C. Each mobile/manufactured home shall be considered as 15 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

D. Minimum grade<sub>(S)</sub> for sewers shall be so designed that the flow will have a mean velocity of 2 fps (0.6096 m/s) when the pipe is flowing half full.

E. The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or an individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).

F. Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade<sub>(G)</sub>.

G. When located in a mobile/manufactured home park (i.e., other than a single mobile/manufactured home on its own lot), the sewer main shall be provided with a minimum 4-inch vent, not more than 5 feet (1524 mm) downstream from its upper trap. Long mains shall be provided with additional relief vents at intervals of not more than 200 feet (61 m) thereafter. These relief vents shall be a minimum of 4 inches and shall be securely supported and extended a minimum of 10 feet (3048 mm) above grade<sub>(G)</sub>.

H. Branch lines or sewer laterals to mobile/manufactured homes shall be not less than 4-inch diameter.

I. Sewer inlets shall be 4-inch diameter and extend above grade<sub>(G)</sub> 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gastight seal when connected to a mobile/manufactured home and have a gastight seal plug for use when not in service.

J. Each mobile/manufactured home site shall be provided with a trailer trap. Sewer laterals over 30 ft (9144 mm) from the main park drainage sewer shall be provided with an individual vent and shall also be provided with a 4-inch cleanout brought to grade<sub>(G)</sub>. When an individual vent for the sewer lateral/trailer trap is required, it shall be 3-inch minimum (upstream of the clean out fitting) and shall extend not less than 10 inches above the roof of the mobile/manufactured home.

K. To provide the shortest possible drain connection between the mobile/manufactured home outlet and sewer inlet, all sewer inlets should terminate in the rear one-third of the mobile/manufactured home as placed on the site.

L. Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.

M. No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.

N. Testing the Park Drainage System. Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with §§319.A and 319.B.1 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2897 (November 2012).

#### **§1615. Water Supply and Distribution Systems**

A. General. Every mobile/manufactured home site shall be provided with an individual branch water service line delivering potable water. The outlet of the branch water service line shall terminate on the left side of the site of the mobile/manufactured home.

B. Minimum Size. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of 3/4-inch.

C. Separate Service Shutoff. A separate service shutoff valve shall be installed in each water service line. Per §617.A of this code, such separate shutoff valve shall be a full port ball valve.

D. Water Service Connections. The water service connection from the water service line to the mobile/manufactured home shall be not less than 1/2-inch diameter. A rigid pipe shall not be used. Flexible metal tubing is permitted. Fittings at either end shall be of a quick disconnect type not requiring any special tools or knowledge to install or remove.

E. Water Supply System Design. The water supply system shall be designed to provide a minimum of 150 gallons (568 L) per day for each mobile/manufactured home, plus such additional volume as may be required for fire protection of the park, service buildings and other community facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2898 (November 2012).

#### **§1617. Mobile/Manufactured Home Connections**

A. Responsibility. When it is evident that there exists, or may exist, a violation of these rules, the owner, operator, lessee, person in charge of the park or any other person causing a violation shall cause it to be corrected immediately or disconnect the service connections and mobile/manufactured home drain connection from the respective park water service line and sewer lateral.

B. Drain Connections. Mobile/manufactured home drain connections shall be of approved semi-rigid pipe having smooth interior surfaces of not less than 3-inch inside diameter. Drain connections shall be equipped with a standard quick disconnect screw, clamp type fitting or solvent welder, not less in size than the outlet. Drain connections shall be gastight and no longer than necessary to make the connection between the mobile/manufactured home outlet and the trap inlet on the site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2898 (November 2012).

#### **§1619. Service Buildings**

A. Each mobile/manufactured home park serving travel trailers shall have at least one service building to provide minimum sanitation and laundry facilities in accord with §1509 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2898 (November 2012).

#### **§1621. Maintenance**

A. All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the mobile/manufactured home park or his designated agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2898 (November 2012).

#### **§1623. Individual Mobile/Manufactured Homes**

A. Individual mobile/manufactured homes located within previously constructed mobile/manufactured home parks shall be provided with a trailer trap in accord with §1003.E of this code.

- APPROVED MATERIALS FOR TRAP & VENT:
- (1) CAST IRON PIPE & FITTINGS.
  - (2) ABS OR PLASTIC PIPE & FITTINGS (SCH. 40)

- APPROVED SEWER PIPES:
- (1) CAST IRON SEWER PIPE.
  - (2) VITRIFIED CLAY SEWER PIPE.
  - (3) APPROVED PLASTIC PIPE AND FITTINGS (MIN. SDR 35)
- (NOTE: FROM A POINT AT LEAST 3 FEET OUTSIDE THE EDGE OF THE TRAILER TO THE SEWAGE SYSTEM.)

- NOTES: (1) ASTM D2729 IS NOT APPROVED FOR ANY PART OF THE SYSTEM.
- (2) INSTALL 4" CLEANOUT FOR TRAILER CONNECTION AND TERMINATE 3 TO 6 INCHES ABOVE GRADE.
  - (3) INSTALL 3" MALE ADAPTER IN TRAILER CONNECTION.

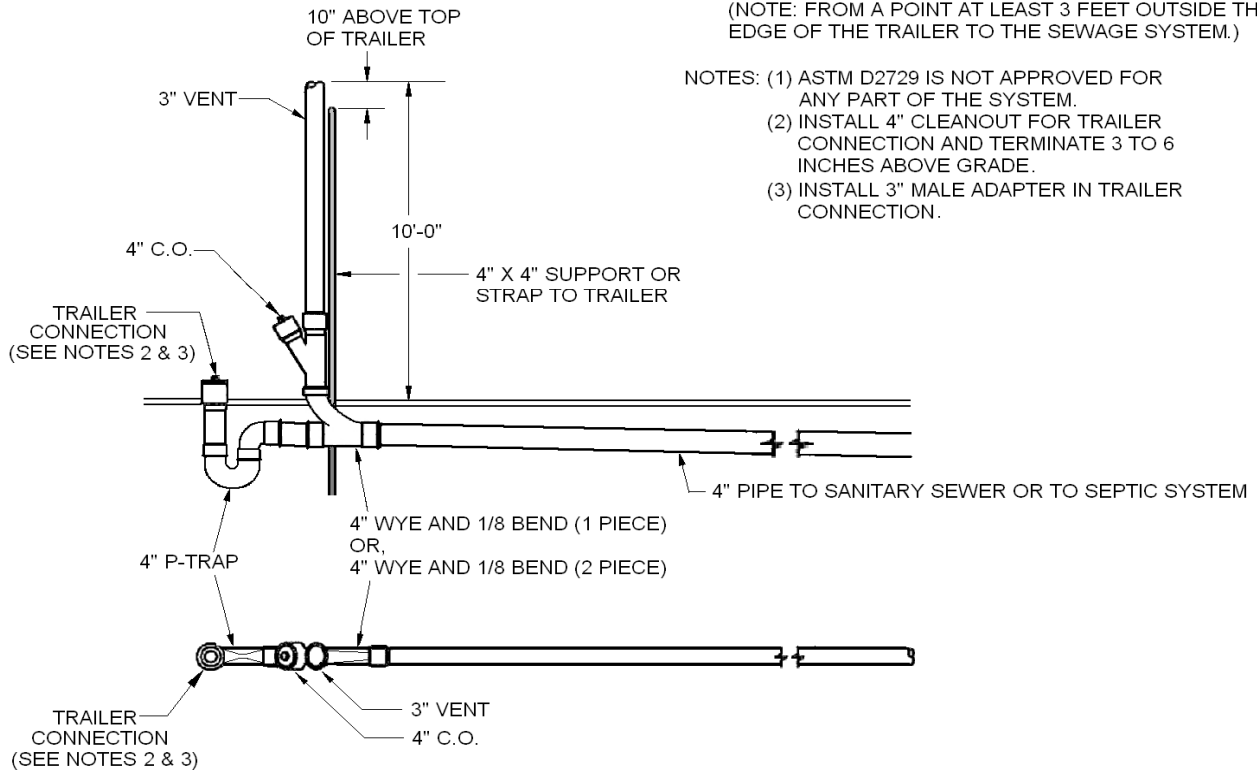


Figure 1623.A—Trailer Trap and Vent

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2898 (November 2012).

### Chapter 17. Sewerage System Regulations [formerly Appendix E—Private Sewage Disposal]

#### §1701. General

A. Refer to Part XIII (Sewage Disposal) of the State of Louisiana Sanitary Code (LAC 51:XIII) for applicable sewage disposal regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2899 (November 2012).

### Chapter 18. Appendices

#### §1801. Scope

A. The provisions of the appendices contained in this Chapter are designed for informational purposes only. When the word "shall" is used in one or more provisions of this Chapter, it is advisable to take the provision seriously and as though it were an actual requirement. Doing so will assist in ensuring compliance with the actual requirements of Chapters 1-17.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2899 (November 2012).

### §1803. Appendix A—Roof Drain Sizing Method

A. Sizing Example. The following example gives one method of sizing the primary drain system and sizing the scuppers in the parapet walls. This method converts the roof area to an equivalent roof area for a 4-inch rate of rainfall so that Tables 1111.A and 1111.B of this code can be used as printed. The method described in §1111.B.2 of this code converts Tables 1111.A and 1111.B of this part to tables for the rate of rainfall specified for the area.

1. Problem: Given the roof plan in Figure 1803.A.1 of this Part and the site location in Birmingham, Alabama, size the primary roof drain system and size the scuppers, denoting the required head of water above the scupper for the structural engineer.

NOTE: For the purposes of this appendix the following metric conversions are applicable:

- 1 in = 25.4 mm
- 1 ft = 305 mm
- 1 ft<sup>2</sup> = 0.0929 m<sup>2</sup>

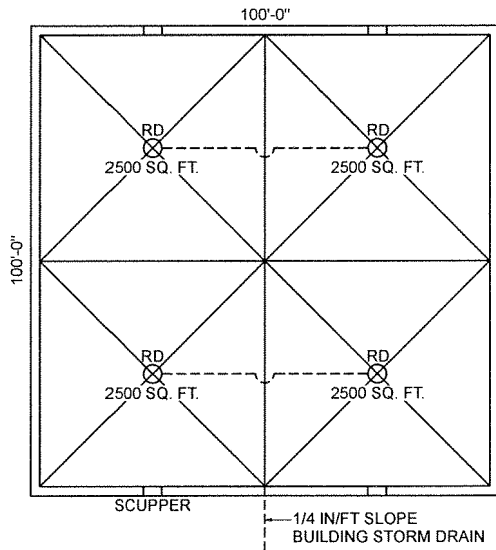


Figure 1803.A.1—Example Roof Plan

2. Solution:

Step a. From Figure 1111.E of this Part, the 100 year 60 minute precipitation is 3.75 inches per hour.

Step b. Each vertical drain must carry 2,500 sq ft of roof area at 3.75 inches per hour of rainfall. To convert to an area for a 4 inch per hour rainfall to enter LAC 51:XIV.Table 1111.A do this:  
 $2,500 \div 4 \times 3.75 = 2,344$  sq ft.  
 Enter LAC 51:XIV.Table 1111.A until you find a diameter pipe that will carry 2,344 sq ft. A minimum 4-inch vertical drain is required.

Step c. Horizontal Drain  
 2,500 sq ft.  
 To convert to an area for use in LAC 51:XIV.Table 1111.B do this:  
 $2,500 \div 4 \times 3.75 = 2,344$  sq ft  
 Enter LAC 51:XIV.Table 1111.B until you find a diameter pipe that will carry 2,344 sq ft.  
 A minimum 4-inch diameter pipe with a 1/4 inch per foot slope will carry 2,650 sq ft. A minimum 4-inch diameter drain on a 1/4 inch per foot slope is required.

Step d. Horizontal Drain  
 5,000 sq ft.  
 To convert to an area for use in LAC 51:XIV.Table 1111.B do this:  
 $5,000 \div 4 \times 3.75 = 4,688$  sq ft.  
 Enter LAC 51:XIV.Table 1111.B until you find a diameter pipe that will carry 4,688 sq ft. A 5-inch diameter pipe with a 1/4 inch per foot slope will carry 4,720 sq ft. A minimum 5-inch diameter drain on a 1/4 inch per foot slope is required.

Step e. Horizontal Drain  
 10,000 sq ft.  
 To convert to an area for use in LAC 51:XIV.Table 1111.B do this:  
 $10,000 \div 4 \times 3.75 = 9,375$  sq ft.  
 Enter LAC 51:XIV.Table 1111.B until you find a diameter pipe that will carry 9,375 sq ft. An 8-inch diameter pipe on 1/4 inch per foot slope will carry 16,300 sq ft but a 6-inch will carry only 7,550 sq ft; therefore, use an 8-inch diameter drain on a 1/4 inch per foot slope.

Step f. From Figure 1113.C of this Part, the rate caused by a 100 year 15 minute precipitation is 7.2 inches per hour. The scuppers must be sized to carry the flow caused by a rain fall rate of 7.2 inches per hour.

Step g. Each scupper is draining 2,500 sq ft of roof area. To convert this roof area to an area for use with LAC 51:XIV.Table 1803.A.2 do this:  
 $2,500 \div 4 \times 7.2 = 9,375$  sq ft = 4,500 sq ft.  
 Enter LAC 51:XIV.Table 1803.A.2 to find a length and head that will carry 4,500 sq ft or more. From LAC 51:XIV.Table 1803.A.2 a 12-inch wide weir with a 4-inch head carries 6,460 sq ft. Use 12-inch wide x 5-inch high scuppers at four locations. A height of 5 inches is needed to assure an open area above the 4-inch head.

Step h. Notify the structural engineer that the design of the roof structure must account for a height of water to the scupper entrance elevation plus 4 inches for the required head to cause design flow.

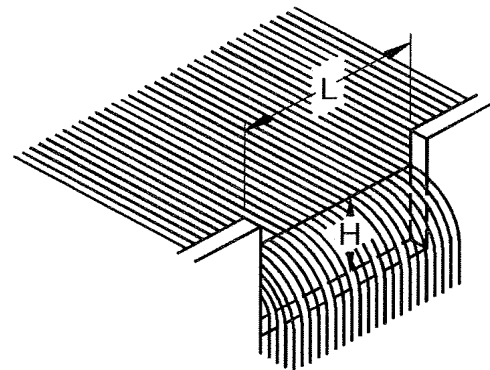


Figure 1803.A.2—Example Scupper

Table 1803.A.2 Scupper Sizing Table Roof Area (Sq ft)							
Head (H) Inches	Length (L) of Weir (Inches)						
	4	6	8	12	16	20	24
1	273	418	562	851	1,139	1,427	1,715
2	734	1,141	1,549	2,365	3,180	3,996	4,813
3	1,274	2,023	2,772	4,270	5,768	7,267	8,766
4	1,845	2,999	4,152	6,460	8,766	11,073	13,381
6	2,966	5,087	7,204	11,442	15,680	19,918	24,160

NOTE: Based on rainfall of 4 inches per hour

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2899 (November 2012).

**§1805. Appendix B—Sizing of Water Piping System [Formerly Appendix F—Sizing of Water Piping System]**

A. Scope. This Appendix outlines a procedure for sizing a water piping system. This design procedure is based on the minimum static pressure available from the supply source, the head charges in the system due to friction and elevation, and the rates of flow necessary for operation of various fixtures.

1. Because of the variable conditions encountered in hydraulic design, it is impractical to specify definite and detailed rules for sizing of the water piping system. Accordingly, other sizing or design methods conforming to good engineering practice standards are acceptable alternates to that presented herein.



B. Information Required. Prior to beginning calculations, the following preliminary information shall be measured or otherwise obtained from the water supplier.

1. Static Water Service Pressure/Meter Friction Loss. The minimum daily static water service pressure in the area where the building is to be located shall be measured or otherwise obtained from the water supplier. If the building's water supply is to be metered, obtain information regarding friction loss relative to the rate of flow for meters in the range of sizes likely to be used. Friction loss data can be obtained from most manufacturers of water meters.

C. Estimate of Demand Load Required. Prior to beginning calculations, the following estimates shall be made.

1. Fixture Water Supply Demand. Estimate the water supply demand of the building main and the principal branches and risers of the water distribution system by totaling the corresponding demand for fixtures from the applicable part of Table 1805.C of this code. The Load (in water supply fixture units) listed in Column 1 of Table 1805.C of this code shall be calculated using the load values, in water supply fixture units, obtained from Table 1805.B of this code.

2. Continuous Water Supply Demand. Estimate continuous water supply demands in gallons per minute for lawn sprinklers, air conditioners, etc., and add the sum to the total water supply demand for fixtures. The result is the estimated total water supply demand for the building.

D. Selection of Pipe Size. The selection of the size for the water service pipe, water riser pipes, branch supply lines, etc., shall be calculated using the following procedures.

1. General. Decide the desirable minimum residual pressure that should be maintained at the highest fixture in the water distribution system. If the highest group of fixtures contains flush valves, the pressure for the group should be not less than 15 psi (103.4 kPa) flowing. For flush tank supplies, the available pressure may not be less than 8 psi (55.2 kPa) flowing, except blowout action fixtures may not be less than 25 psi (172.4 kPa) flowing.

2. Pipe Sizing. Pipe sizes may be selected according to the following procedure, except that the sizes selected shall be not less than the minimum required by the Louisiana State Plumbing Code.

a. This water pipe sizing procedure is based on a system of pressure requirements and losses, the sum of which must not exceed the minimum pressure available at the supply source. These pressures are as follows.

i. Pressure required at fixture to produce required flow (see §§611.C, 611.D, and 611.E of this code).

ii. Static pressure loss or gain (due to head) is computed at 0.433 psi per foot (9.8 kPa/m) of elevation change.

(a). Example. Assume that the highest fixture supply outlet is 20 ft (6.1 m) above or below the supply source. This produces a static pressure differential of 20 ft x 0.433 psi/ft (6.1 m x 9.8 kPa/m) which equates to an 8.66 psi (59.8 kPa) loss or an 8.66 psi (59.8 kPa) gain.

iii. Loss through water meter. The friction or pressure loss can be obtained from meter manufacturers.

iv. Loss through taps in water main (see Table 1805.D of this code).

v. Losses through special devices such as filters, softeners, backflow preventers, and pressure regulators. These values must be obtained from the manufacturers.

vi. Loss through valves and fittings (see Tables 1805.E and 1805.F of this code). Losses for these items are calculated by converting to equivalent length of piping and adding to the total pipe length.

vii. Loss due to pipe friction can be calculated when the pipe size, the pipe length and the flow through the pipe are known. With these three items, the friction loss can be determined using Figures 1805.A.1-1805.D of this Part. When using charts, use pipe inside diameter. For piping flow charts not included, use manufacturers' tables and velocity recommendations.

3. Example. The following example is provided to assist one in calculating the proper sizing of the water piping system for a plumbing installation of a building or other structure.

NOTE: For the purposes of this example the following metric conversions are applicable:

1 cfm = 0.4719 L/s	1 ft <sup>2</sup> = 0.0929 m <sup>2</sup>
1 degree = 0.0175 rad	1 psi = 6.895 kPa
1 in = 25.4 mm	1 gpm = 0.0631 L/s

a. Problem. What size copper water pipe, service and distribution will be required to serve a two story factory building having on each floor, back-to-back, two toilet rooms each equipped with hot and cold water? The highest fixture is 21 feet above the street main which is tapped with a 2-inch corporation cock at which point the minimum pressure is 55 psi. In the building basement a 2-inch meter and 3-inch reduced pressure zone backflow preventer with a maximum pressure drop of 9 psi are to be installed. The system is shown by the example diagram (Figure 1805.D.3 of this code). To be determined are the pipe sizes for the service main and the cold and hot water distribution pipes.

b. Solution. A tabular arrangement such as shown in Table 1805.A of this code should first be constructed. The steps to be followed in solving the problem are indicated by the tabular arrangement itself as they are in sequence, Columns 1-10 and Lines a-l.

i. Step i. Perform the following:

(a). Column 1. Divide the system into sections breaking at major changes in elevation or where branches lead to fixture groups. After point B (see Figure 1805.D.3 of this code) separate consideration will be given to the hot and cold water piping. Enter the sections to be considered in the service and cold water piping in Column 1 of the tabular arrangement.

(b). Column 3. According to the method given in §1805.C of this code, determine the gpm of flow to be expected in each section of the system. These flows range from 28.6 to 108 gpm.

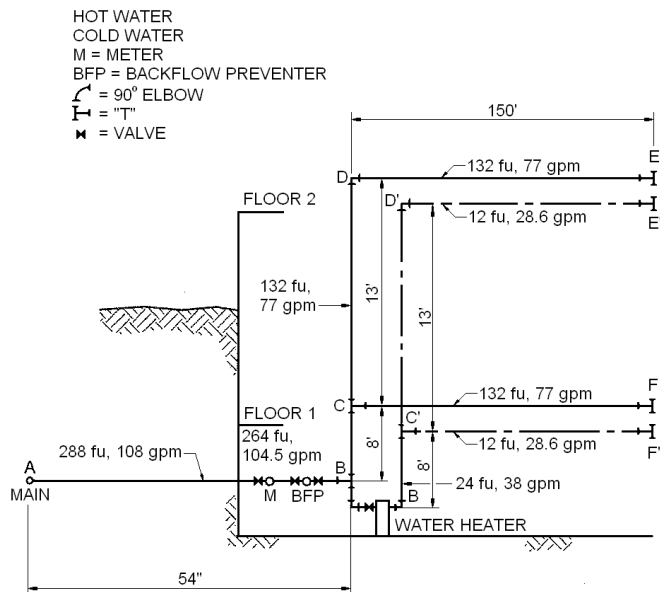


Figure 1805.D.3—Sizing Example

ii. Step ii. Perform the following.

(a). Line "a." Enter the minimum pressure available at the main source of supply in Column 2. This is 55 psi.

(b). Line "b." Determine from §611.E of this code the highest pressure required for the fixtures on system, which is 15 psi, to operate a flushometer valve.

(c). Line "c." Determine the pressure loss for the meter size given or assumed. The total water flow from the main through the service as determined in Step i (above) will serve to aid in the meter selected.

(d). Line "d." Select from Table 1805.D of this code and enter the pressure loss for the tap size given or assumed.

(e). Line "e." Determine the difference in elevation between the main or source of supply and the highest fixture on the system and multiply this figure, expressed in feet, by 0.433 psi. Enter the resulting psi product on Line "e."

(f). Lines "f," "g," "h." The pressure losses through filters, backflow preventers or other special fixtures must be obtained from the manufacturer or estimated and entered on these lines.

iii. Step iii, Line "i." The sum of (Lines "b" through "h") the pressure requirements and losses which affect the overall system is entered on this line.

iv. Step iv, Line "j." Subtract Line "i" from Line "a." This gives the pressure which remains available from overcoming friction losses in the system. This figure is a guide to the pipe size which is chosen for each section, as the total friction losses through the longest run of pipe.

(a). Exception. When the main is above the highest fixture, the resulting psi must be considered a pressure gain (static head gain) and omitted from the sums of Lines "b"-"h" and added to Line "j."

v. Step v, Column 4. Enter the length of each section from the main to the end of the longest run (at Point E).

vi. Step vi, Column 5. Select a trial pipe size. A rule of thumb is that size will become progressively smaller as the system extends farther from the main source of supply. (Trial pipe size may be arrived at by the following formula:  $PSI=j \times 100/\text{total pipe length}$ )

EXAMPLE:  $PSI = 9.36 \times 100/225 = 4.16$

From main to most remote outlet—Check applicable graph for size for this PSI and GPM.

vii. Step vii, Column 6. Select from Tables 1805.E or 1805.F of this code the equivalent lengths for the trial pipe size of fittings and valves on the section. Enter the sum for each section in Column 6. (The number of fittings to be used in the installation of this piping must be an estimate.)

viii. Step viii. Column 7: Add the figures from Column 4 and Column 6, and enter in Column 7. Express the sum in 100s of feet.

ix. Step ix. Column 8: Select from the applicable figure (Figures 1805.A.1 through 1805.D of this Part) the friction loss per 100 feet of pipe for the gpm flow in a section (Column 3) and trial pipe size (Column 5).

x. Step x. Column 9: Multiply the figures in Columns 7 and 8 for each section and enter in Column 9.

xi. Step xi. Line k: Enter the sum of the values in Column 9. In summing, use only those values associated with the longest run (i.e., don't use the value associated with section CF unless the friction loss for CF by itself is greater than the combined fixture loss of AB + BC + CD + DE).

xii. Step xii. Line l: Subtract Line "k" from Line "j" and enter in Column 10.

(a). The result should always be a positive or plus figure. If it is not, it is necessary to repeat the operation utilizing Columns, 5, 6, 8 and 9 until a balance or near balance is obtained. If the difference between Lines "j" and "k" is positive and large, it is an indication that the pipe sizes are too large and may, therefore, be reduced thus saving materials. In such a case, the operations utilizing Columns 5, 6, 8 and 9 should again be repeated.

c. Answer: The final figures entered in Column 5 become the design pipe size for the respective sections. Repeating this operation a second time using the same sketch but considering the demand for hot water, it is possible to size the hot water distribution piping. This has been worked up as a part of the overall problem in the tabular arrangement used for sizing the service and cold water distribution piping. It should be noted that consideration must be given the pressure losses from the street main to the water heater (section AB) in determining the hot water pipe sizes.

Table 1805.A Recommended Tabular Arrangement for Use in Solving Pipe Sizing Problems											
Column		1	2	3	4	5	6	7	8	9	10
Line	Description	Lbs. per square inch (psi)	Gal. per min. through section	Length of section (ft)	Trial pipe size (in)	Equivalent length of fittings and valves (ft)	Total equivalent length col.4 and col.6 (100 ft)	Friction loss per 100' of trial size pipe (psi)	Friction loss in equivalent length col.8 x col.7 (psi)	Excess pressure over friction losses (psi)	
a	Service and cold water distribution piping (NOTE 1)	Minimum pressure available at main	55.00								
b		Highest pressure required at a fixture (§611.E of this code)	15.00								
c		Meter loss 2" meter	11.00								
d		Tap in main loss 2" tap (Table F103A of this code)	1.61								
e		Static head loss 21 x 0.43 psi	9.03								
f		Special fixture loss- backflow preventer	9.00								
g		Special fixture loss-Filter	0.00								
h		Special fixture loss-Other	0.00								
i		Total overall losses and requirements (sum of lines b-h)	45.64								
j		Pressure available to overcome pipe friction (line a minus lines b to h)	9.36								
	Designation of pipe section (from diagram)	FU									
		AB	288	108.0	54	2 ½	12	0.66	3.6	2.38	
		BC	264	104.5	8	2 ½	2.5	0.105	3.2	0.34	
		CD	132	77.0	13	2 ½	8	0.21	1.9	0.40	
		CF (NOTE 2)	132	77.0	150	2 ½	12	1.62	1.9	3.08	
	Cold water distribution piping	DE	132	77.0	150	2 ½	14.5	1.645	1.9	3.12	
k		Total pipe friction losses (cold)								6.24	
l	Difference (line "j" minus line "k")						9.36	-6.24	=	3.12	
	Pipe section (from diagram)	FU									
		AB'	288	108.0	54	2 ½	9.6	0.64	3.3	2.1	
		B'C'	24	38.0	8	2	9.0	0.17	1.4	0.24	
		C'D'	12	28.6	13	1 ½	5	0.18	3.2	0.58	
		C'F' (NOTE 3)	12	28.6	150	1 ½	14	1.64	3.2	5.25	
	Hot Water Distribution Piping	D'E'	12	28.6	150	1 ½	7	1.57	3.2	5.02	
k		Total pipe friction losses (hot)								7.94	
l	Difference (line "j" minus line "k")						9.36	-7.94	=	1.42	

NOTES:

- To be considered as pressure gain for fixtures below main (consider separately omit from "i" and add to "j").
- Consider separately, in Line "k" use CF 's Column 9 friction loss only if it is a greater friction loss than the sum of Column 9 friction losses of AB+BC+CD+DE.

Table 1805.B Load Values Assigned to Fixtures <sup>1</sup>					
Fixture	Occupancy	Type of Supply Control	Load Values, in Water Supply Fixture Units		
			Cold	Hot	Total
Bathroom group	Private	Flush tank	2.7	1.5	3.6
Bathroom group	Private	Flush valve	6.0	3.0	8.0
Bathtub	Private	Faucet	1.0	1.0	1.4
Bathtub	Public	Faucet	3.0	3.0	4.0
Bidet	Private	Faucet	1.5	1.5	2.0
Combination fixture	Private	Faucet	2.25	2.25	3.0
Dishwashing machine	Private	Automatic	-	1.4	1.4
Drinking fountain	Offices, etc.	3/8" valve	0.25	-	0.25
Kitchen sink	Private	Faucet	1.0	1.0	1.4

Table 1805.B Load Values Assigned to Fixtures <sup>1</sup>					
Fixture	Occupancy	Type of Supply Control	Load Values, in Water Supply Fixture Units		
			Cold	Hot	Total
Kitchen sink	Hotel, Restaurant	Faucet	3.0	3.0	4.0
Laundry trays (1 to 3)	Private	Faucet	1.0	1.0	1.4
Lavatory	Private	Faucet	0.5	0.5	0.7
Lavatory	Public	Faucet	1.5	1.5	2.0
Service sink	Offices, etc.	Faucet	2.25	2.25	3.0
Shower head	Public	Mixing valve	3.0	3.0	4.0
Shower head	Private	Mixing valve	1.0	1.0	1.4
Urinal	Public	1" flush valve	10.0	-	10.0
Urinal	Public	3/4" flush valve	5.0	-	5.0
Urinal	Public	Flush tank	3.0	-	3.0
Washing machine (8 lbs.)	Private	Automatic	1.0	1.0	1.4
Washing machine (8 lbs.)	Public	Automatic	2.25	2.25	3.0
Washing machine (15 lbs.)	Public	Automatic	3.0	3.0	4.0
Water closet	Private	Flush valve	6.0	-	6.0
Water closet	Private	Flush tank	2.2	-	2.2
Water closet	Public	Flush valve	10.0	-	10.0
Water closet	Public	Flush tank	5.0	-	5.0
Water closet	Public or Private	FlushometerTank	2.0	-	2.0

NOTE:

1. For fixtures not listed, loads should be assumed by comparing the fixture to ones listed using water in similar quantities and at similar rates. The assigned loads for fixtures with both hot and cold water supplies are given for separate hot and cold water loads and for total load, the separate hot and cold water loads being three-fourths of the total load for the fixture in each case.

Table 1805.C Table for Estimating Demand					
Supply Systems Predominantly for Flush Tanks			Supply Systems Predominantly for Flush Valves		
Load	Demand		Load	Demand	
(Water Supply Fixture Units)	(Gallons per Minute)	(Cubic Feet per Minute)	(Water Supply Fixture Units)	(Gallons per Minute)	(Cubic Feet per Minute)
1	3.0	0.041104	-	-	-
2	5.0	0.0684	-	-	-
3	6.5	0.86892	-	-	-
4	8.0	1.06944	-	-	-
5	9.4	1.256592	5	15.0	2.0052
6	10.7	1.430376	6	17.4	2.326032
7	11.8	1.577424	7	19.8	2.646364
8	12.8	1.711104	8	22.2	2.967696
9	13.7	1.831416	9	24.6	3.288528
10	14.6	1.951728	10	27.0	3.60936
11	15.4	2.058672	11	27.8	3.716304
12	16.0	2.13888	12	28.6	3.823248
13	16.5	2.20572	13	29.4	3.930192
14	17.0	2.27256	14	30.2	4.037136
15	17.5	2.3394	15	31.0	4.14408
16	18.0	2.40624	16	31.8	4.251024
17	18.4	2.47308	17	32.6	4.357968
18	18.8	2.54008	18	33.4	4.464912
19	19.2	2.60704	19	34.2	4.571856
20	19.6	2.67408	20	35.0	4.6788
25	21.5	2.87412	25	38.0	5.07984
30	23.3	3.114744	30	42.0	5.61356
35	24.9	3.328632	35	44.0	5.88192
40	26.3	3.515784	40	46.0	6.14928
45	27.7	3.702936	45	48.0	6.41664
50	29.1	3.890088	50	50.0	6.684
60	32.0	4.27776	60	54.0	7.21872
70	35.0	4.6788	70	58.0	7.75344
80	38.0	5.07984	80	61.2	8.181216
90	41.0	5.48088	90	64.3	8.595624
100	43.5	5.81508	100	67.5	9.0234
120	48.0	6.41664	120	73.0	9.75864
140	52.5	7.0182	140	77.0	10.29336
160	57.0	7.61976	160	81.0	10.82808
180	61.0	8.15448	180	85.5	11.42964
200	65.0	8.6892	200	90.0	12.0312
225	70.0	9.3576	225	95.5	12.76644
250	75.0	10.0260	250	101.0	13.50168

Table 1805.C Table for Estimating Demand					
Supply Systems Predominantly for Flush Tanks			Supply Systems Predominantly for Flush Valves		
Load	Demand		Load	Demand	
275	80.0	10.6944	275	104.5	13.96956
300	85.0	11.3628	300	108.0	14.43744
400	105.0	14.0364	400	127.0	16.97736
500	124.0	16.57632	500	143.0	19.11624
750	170.0	22.7256	750	177.0	23.66136
1000	208.0	27.80544	1000	208.0	27.80544
1250	239.0	31.94952	1250	239.0	31.94952
1500	269.0	35.95992	1500	269.0	35.95992
1750	297.0	39.70296	1750	297.0	39.70296
2000	325.0	43.446	2000	325.0	43.446
2500	380.0	50.7984	2500	380.0	50.7984
3000	433.0	57.88344	3000	433.0	57.88344
4000	535.0	70.182	4000	525.0	70.182
5000	593.0	79.27224	5000	593.0	79.27224

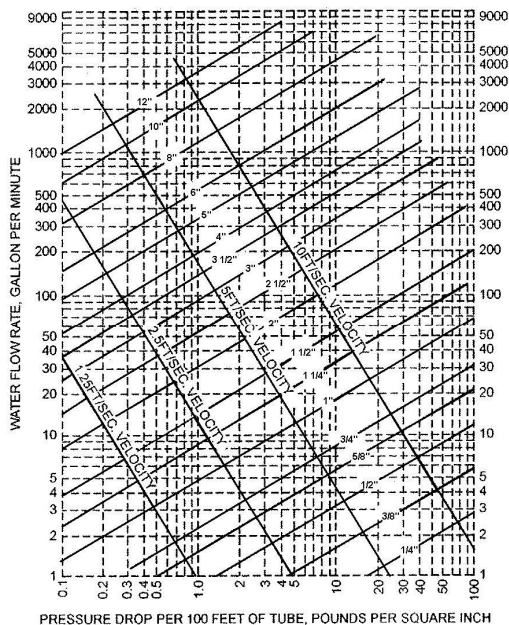
Table 1805.D Loss of Pressure through Taps and Tees in Pounds Per Square Inch (psi)								
Gallons per Minute	Size of Tap or Tee (In)							
	5/8	3/4	1	1 1/4	1 1/2	2	3	
10	1.35	0.64	0.18	0.08	-	-	-	
20	5.38	2.54	0.77	0.31	0.14	-	-	
30	12.1	5.72	1.62	0.69	0.33	0.10	-	
40	-	10.2	3.07	1.23	0.58	0.18	-	
50	-	15.9	4.49	1.92	0.91	0.28	-	
60	-	-	6.46	2.76	1.31	0.40	-	
70	-	-	8.79	3.76	1.78	0.55	0.10	
80	-	-	11.5	4.90	2.32	0.72	0.13	
90	-	-	14.5	6.21	2.94	0.91	0.16	
100	-	-	17.94	7.67	3.63	1.12	0.21	
120	-	-	25.8	11.0	5.23	1.16	0.30	
140	-	-	35.2	15.0	7.12	2.20	0.41	
150	-	-	-	17.2	8.16	2.52	0.47	
160	-	-	-	19.6	9.30	2.92	0.54	
180	-	-	-	24.8	11.8	3.62	0.68	
200	-	-	-	30.7	14.5	4.48	0.84	
225	-	-	-	38.8	18.4	5.6	1.06	
250	-	-	-	47.9	22.7	7.00	1.31	
275	-	-	-	-	27.4	7.70	1.59	
300	-	-	-	-	32.6	10.1	1.88	

Table 1805.E Allowance in Equivalent Length of Pipe for Friction Loss in Valves and Threaded Fittings								
Fitting or Valve	Pipe Sizes (in)							
	1/2	3/4	1	1 1/4	1 1/2	2	2 1/2	3
45° elbow	1.2	1.5	1.8	2.4	3.0	4.0	5.0	6.0
90° elbow	2.0	2.5	3.0	4.0	5.0	7.0	8.0	10.0
Tee, run	0.6	0.8	0.9	1.2	1.5	2.0	2.5	3.0
Tee, branch	3.0	4.0	5.0	6.0	7.0	10.0	12.0	15.0
Gate valve	0.4	0.5	0.6	0.8	1.0	1.3	1.6	2.0
Balancing valve	0.8	1.1	1.5	1.9	2.2	3.0	3.7	4.5
Plug-type cock	0.8	1.1	1.5	1.9	2.2	3.0	3.7	4.5
Check valve, swing	5.6	8.4	11.2	14.0	16.8	22.4	28.0	33.6
Globe valve	15.0	20.0	25.0	35.0	45.0	55.0	65.0	80.0
Angle valve	8.0	12.0	15.0	18.0	22.0	28.0	34.0	40.0

Table 1805.F Allowance in Equivalent Length of Tube for Friction Loss in Valves and Fittings (ft) (Copper Water Tube)								
Fitting or valve	Tube Sizes (in)							
	1/2	3/4	1	1 1/4	1 1/2	2	2 1/2	3
45° elbow (wrought)	0.5	0.5	1.0	1.0	2.0	2.0	3.0	4.0
90° elbow (wrought)	0.5	1.0	1.0	2.0	2.0	2.0	2.0	3.0
Tee, run (wrought)	0.5	0.5	0.5	0.5	1.0	1.0	2.0	-
Tee, branch (wrought)	1.0	2.0	3.0	4.0	5.0	7.0	9.0	-
45° elbow (cast)	0.5	1.0	2.0	2.0	3.0	5.0	8.0	1.0
90° elbow (cast)	1.0	2.0	4.0	5.0	8.0	11.0	14.0	18.0
Tee, run (cast)	0.5	0.5	0.5	1.0	1.0	2.0	2.0	2.0
Tee, branch (cast)	2.0	3.0	5.0	7.0	9.0	12.0	16.0	20.0
Compression Stop	13.0	21.0	30.0	-	-	-	-	-
Globe valve	7.5	10.0	12.5	53.0	66.0	90.0	33	40
Gate valve	0.5	0.25	1.0	1.0	2.0	2.0	2.0	2.0

NOTE:

1. From "Copper Tube Handbook" by Copper Development Association, Inc.

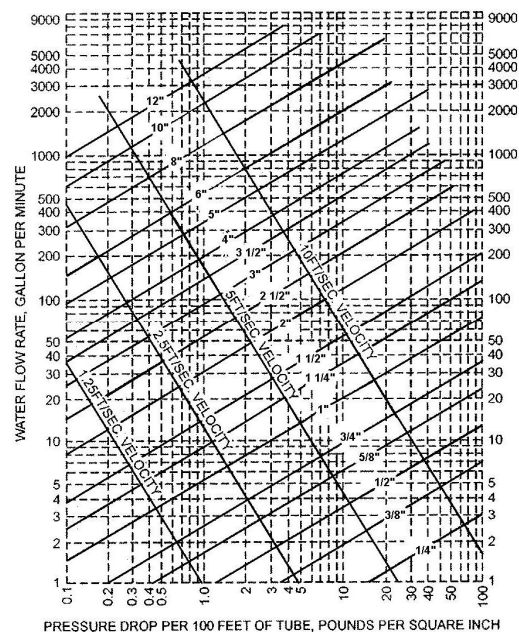


NOTE: FLUID VELOCITIES IN EXCESS OF 5 TO 8 FT/SEC. ARE NOT USUALLY RECOMMENDED

**Figure 1805.A.1—Friction Loss in Smooth Pipe<sup>1</sup>  
(Type K, ASTM B88 Copper Tubing)**

NOTE:

1. This chart applies to smooth new copper tubing with recessed (Streamline) soldered joints and to the actual sizes of types indicated on the diagram.



NOTE: FLUID VELOCITIES IN EXCESS OF 5 TO 8 FT/SEC. ARE NOT USUALLY RECOMMENDED

**Figure 1805.A.2—Friction Loss in Smooth Pipe<sup>1</sup>  
(Type L, ASTM B88 Copper Tubing)**

NOTE:

1. This chart applies to smooth new copper tubing with recessed (Streamline) soldered joints and to the actual sizes of types indicated on the diagram.

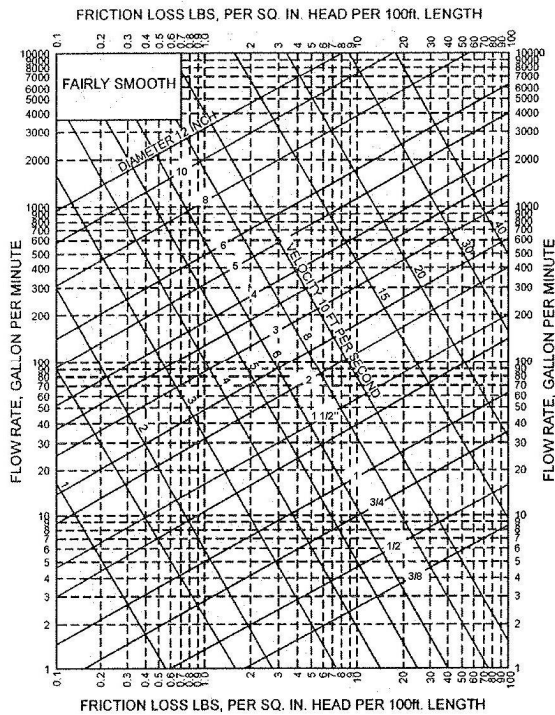


Figure 1805.B—Friction Loss in Fairly Smooth Pipe<sup>1</sup>

NOTE:

1. This chart applies to new steel (fairly smooth) pipe and to actual diameters of standard-weight pipe.

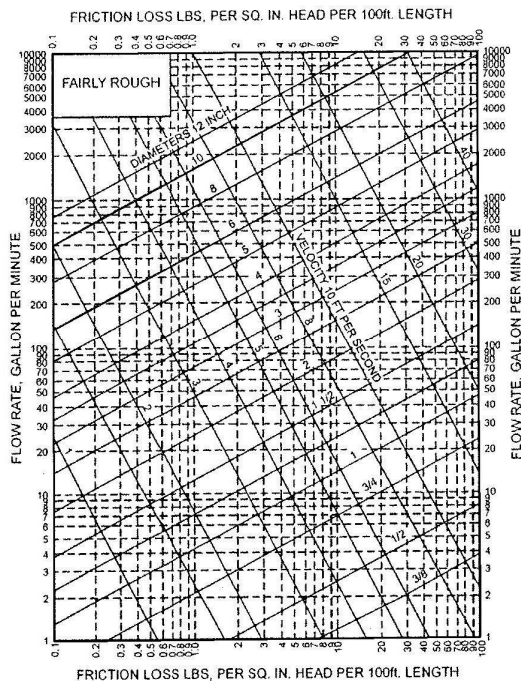


Figure 1805.C—Friction Loss in Fairly Rough Pipe<sup>1</sup>

NOTE:

1. This chart applies to fairly rough pipe and to actual diameters which in general will be less than the actual diameters of the new pipe of the same kind.

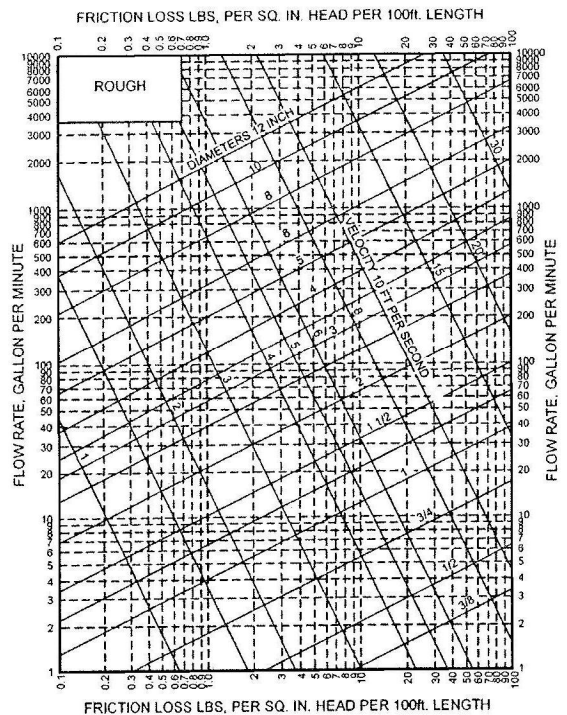


Figure 1805.D – Friction Loss In Rough Pipe<sup>1</sup>

NOTE:

1. This chart applies to very rough pipe and existing pipe and to their actual diameters.

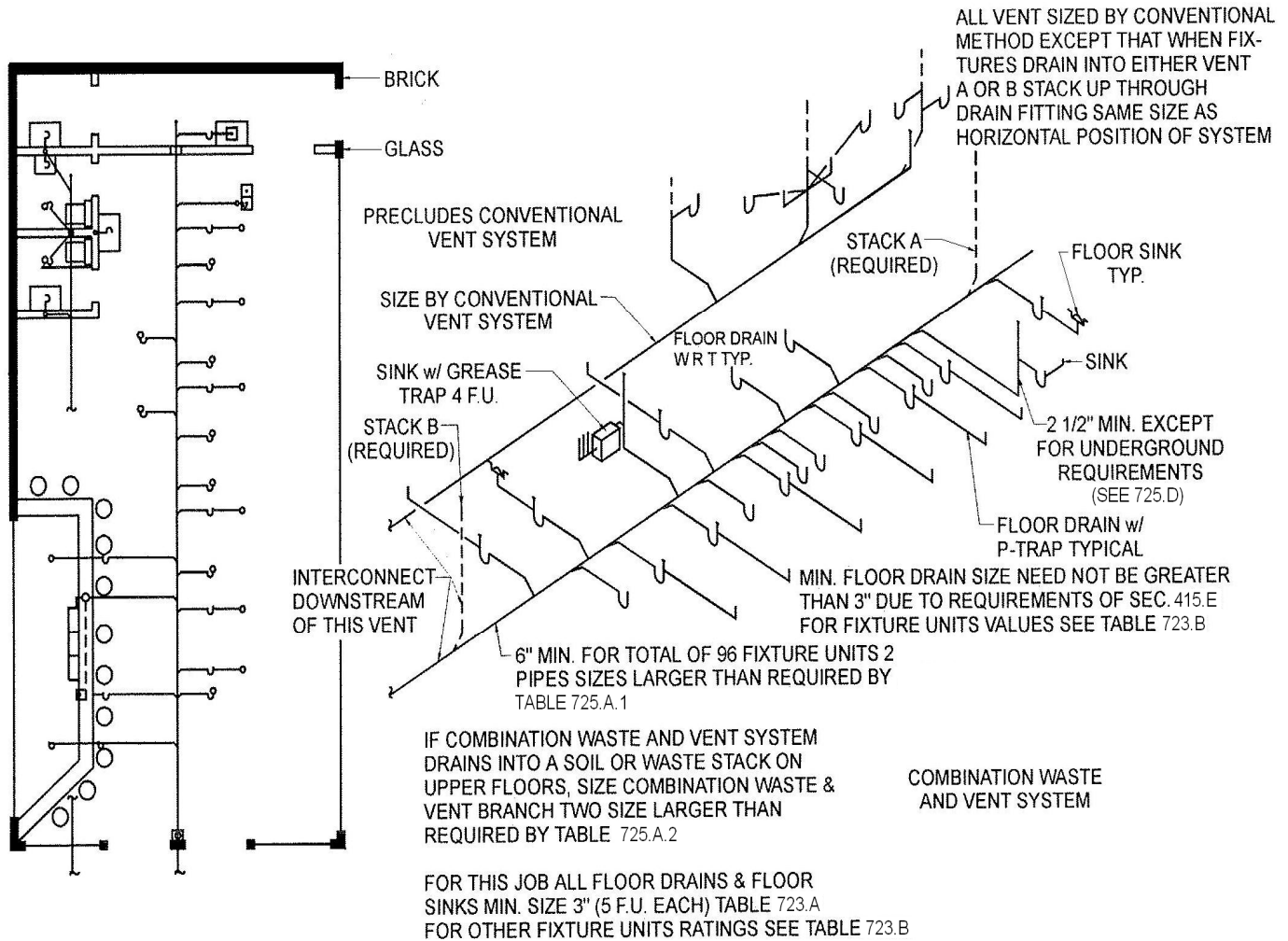
AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2900 (November 2012).

**§1807. Appendix C—Illustrations**

**[formerly Appendix J—Illustrations]**

A. The following figures have been included to aid in interpreting this code. The figures are not to be construed as superseding the written text, but merely to illustrate. The various methods indicated diagrammatically do not limit other configurations of design of plumbing, soil, waste and vent systems, water piping, accessories, etc., when in compliance with the written text. It is further suggested that the users of these illustrations refer to the appropriate Sections and standards regarding any of the figures to avoid misunderstanding.



**Figure 1—Combination Waste and Vent System**

NOTE: A combination waste and vent system is considered an alternate designed plumbing system and requires special approval of the plans and specifications, etc., by the state health officer prior to construction. Refer to the provisions contained in Chapter 12 of this code for any alternate designed plumbing system.



EXAMPLES OF DISTANCES PERMITTED IN A COMBINATION WASTE AND VENT SYSTEM

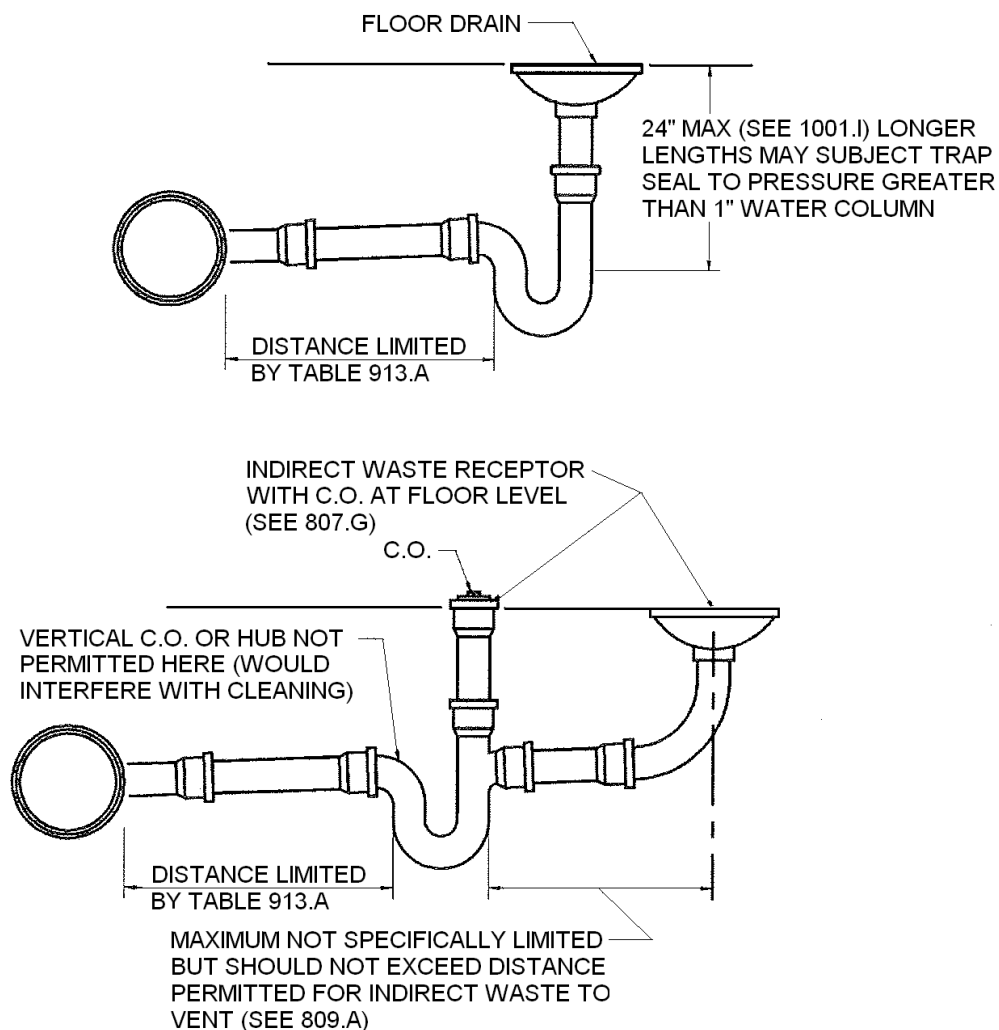
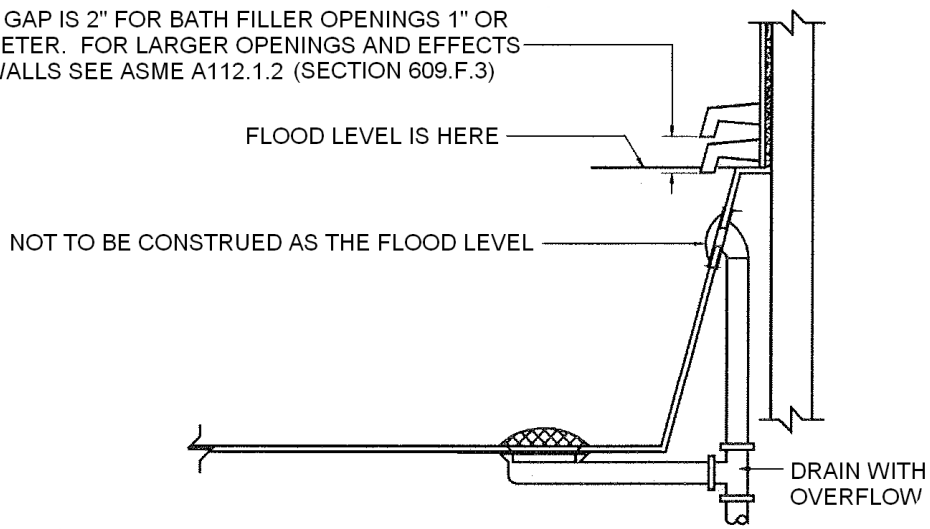


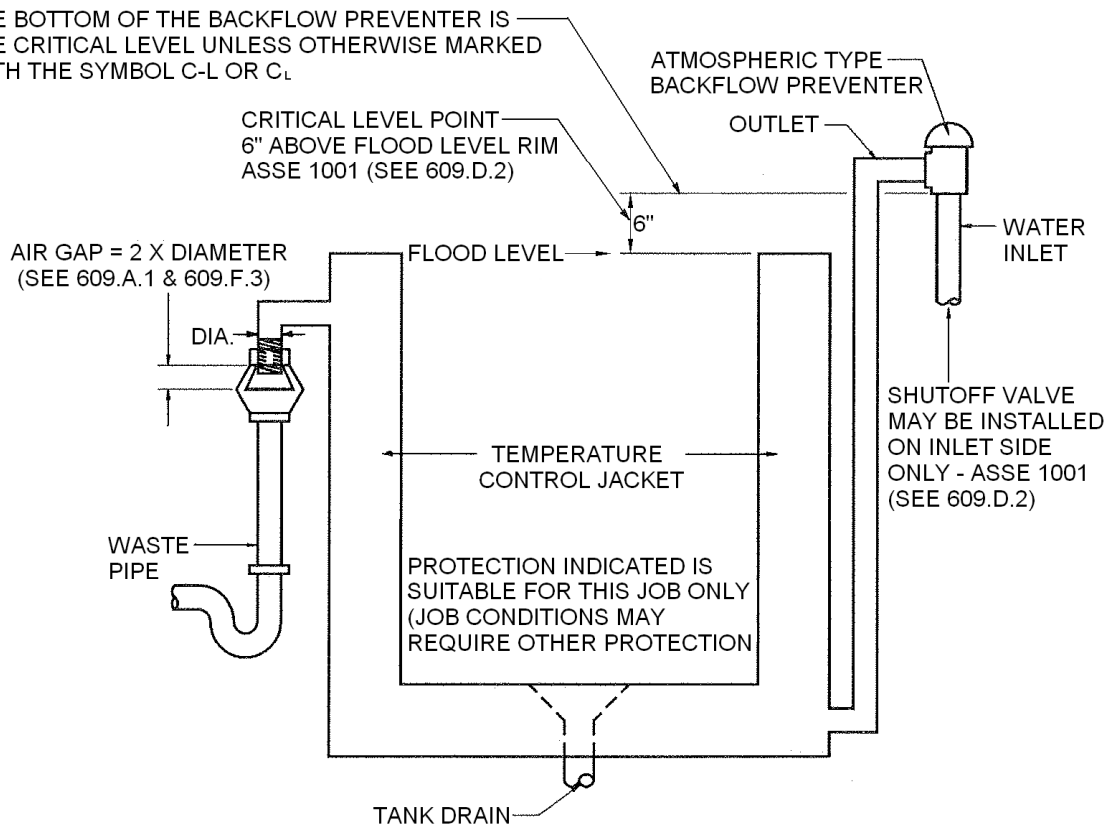
Figure 2—Distances Permitted in a Combination Waste and Vent System

NOTE: A combination waste and vent system is considered an alternate designed plumbing system and requires special approval of the plans and specifications, etc., by the state health officer prior to construction. Refer to the provisions contained in Chapter 12 of this code for any alternate designed plumbing system.

MINIMUM AIR GAP IS 2" FOR BATH FILLER OPENINGS 1" OR LESS IN DIAMETER. FOR LARGER OPENINGS AND EFFECTS FROM SIDE WALLS SEE ASME A112.1.2 (SECTION 609.F.3)



THE BOTTOM OF THE BACKFLOW PREVENTER IS THE CRITICAL LEVEL UNLESS OTHERWISE MARKED WITH THE SYMBOL C-L OR C<sub>L</sub>



CHEMICAL MIXING TANK WITH WATER JACKET (SEE SECTION 609)

Figure 3—Bathtub and Chemical Mixing Tank Illustrations

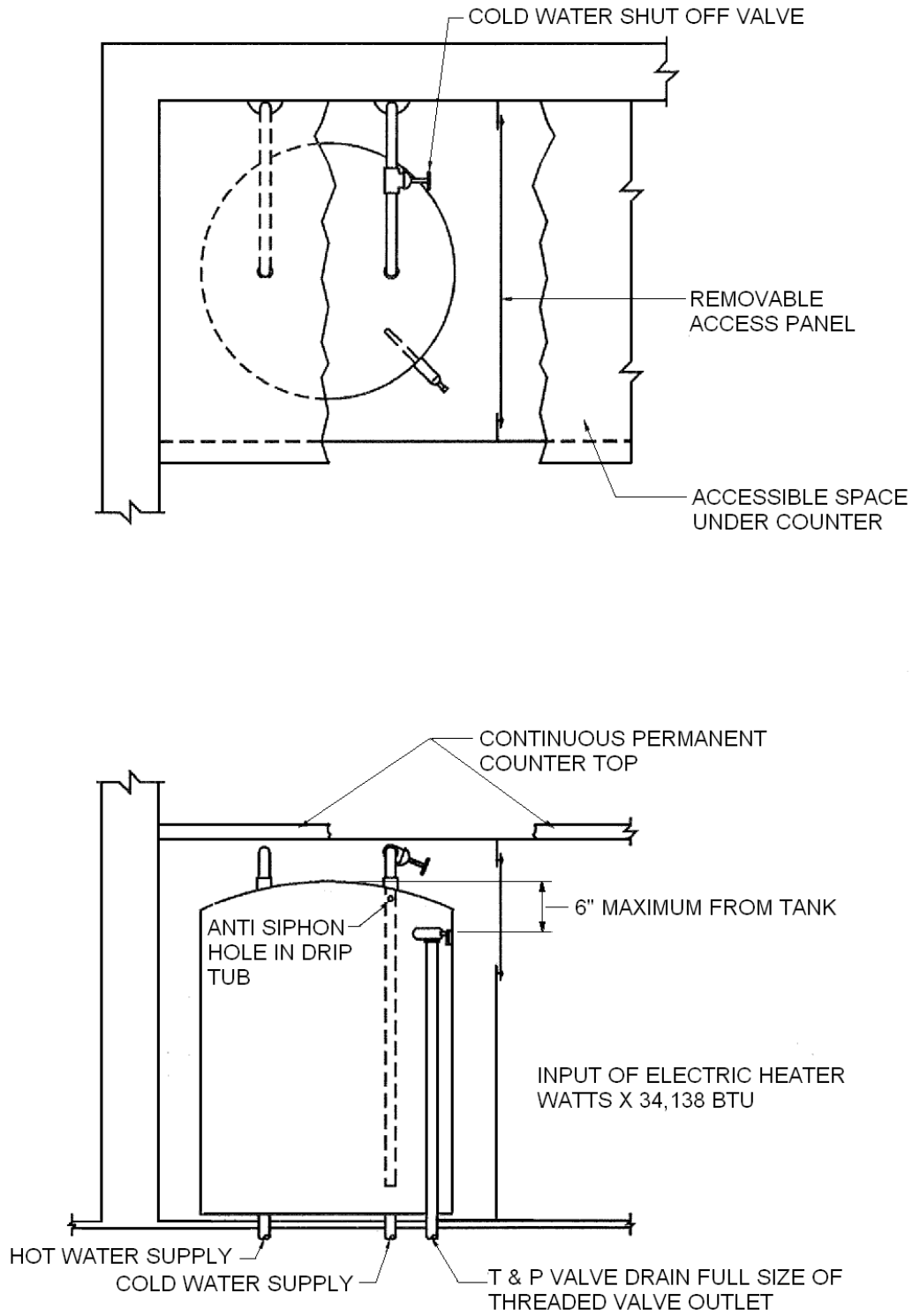


Figure 4—Access to Built-In Water Heater

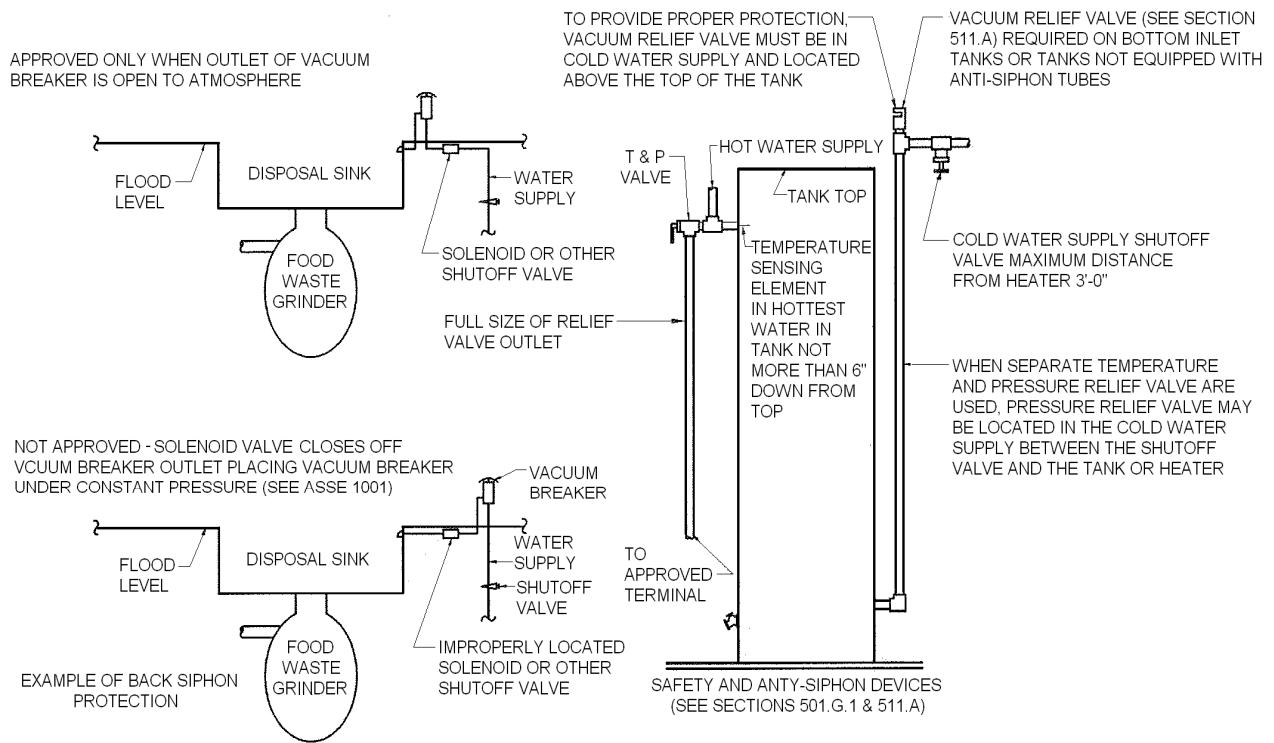
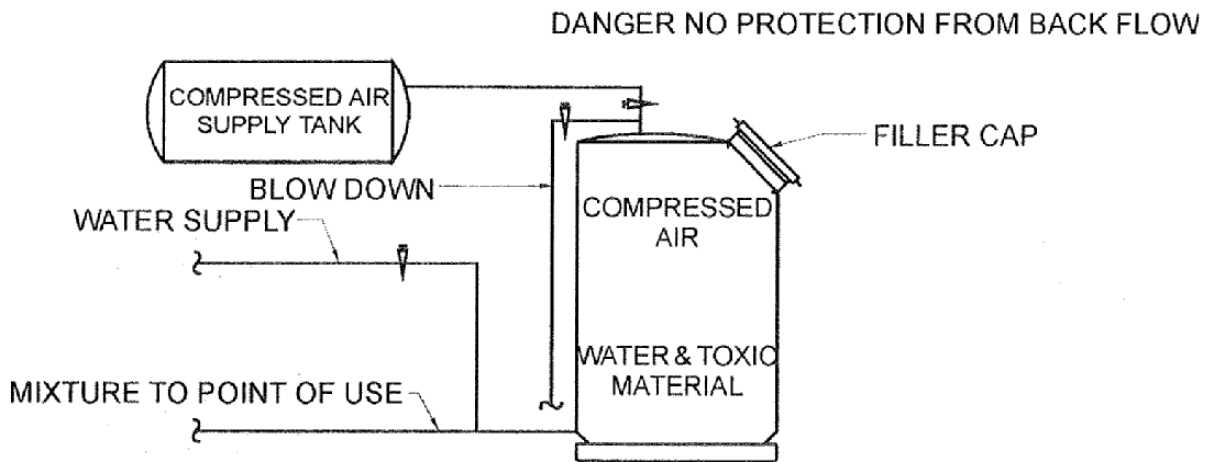
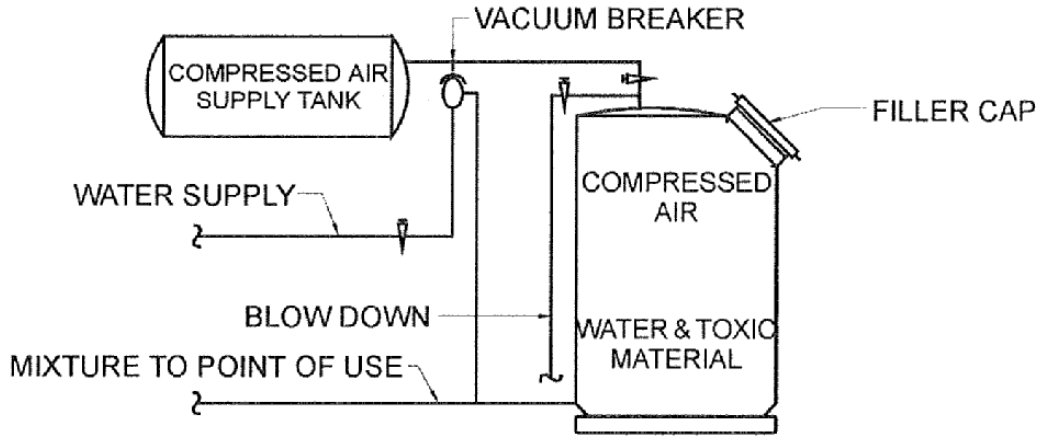


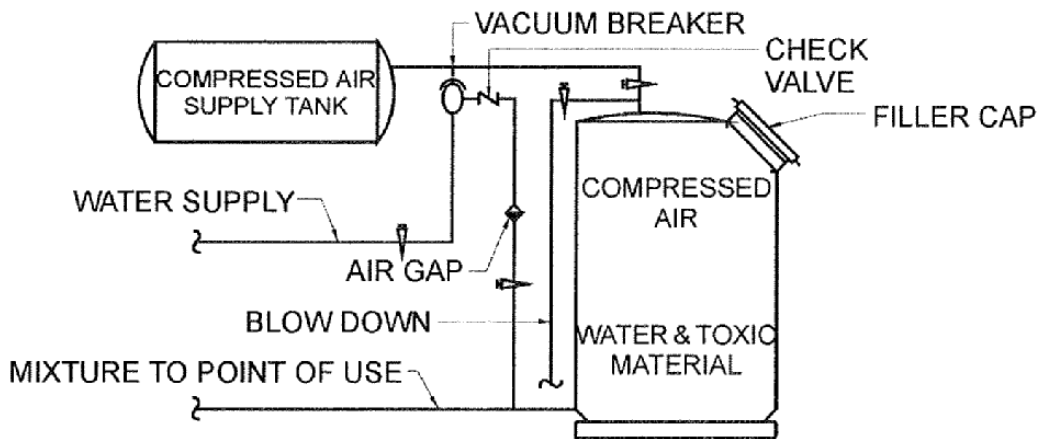
Figure 5—Examples of Back Siphon Backflow Protection



DANGER INADEQUATE PROTECTION FROM BACK-FLOW



SAFE PROTECTED FROM BACK-FLOW



HIGH PRESSURE UNITS SUCH AS USED IN CAR WASHERS TO SUPPLY WATER & DETERGENT TO WHEEL WASH & OTHER UNITS UNDER HIGH PRESSURE

Figure 6—Examples of Proper and Improper Backflow Protection

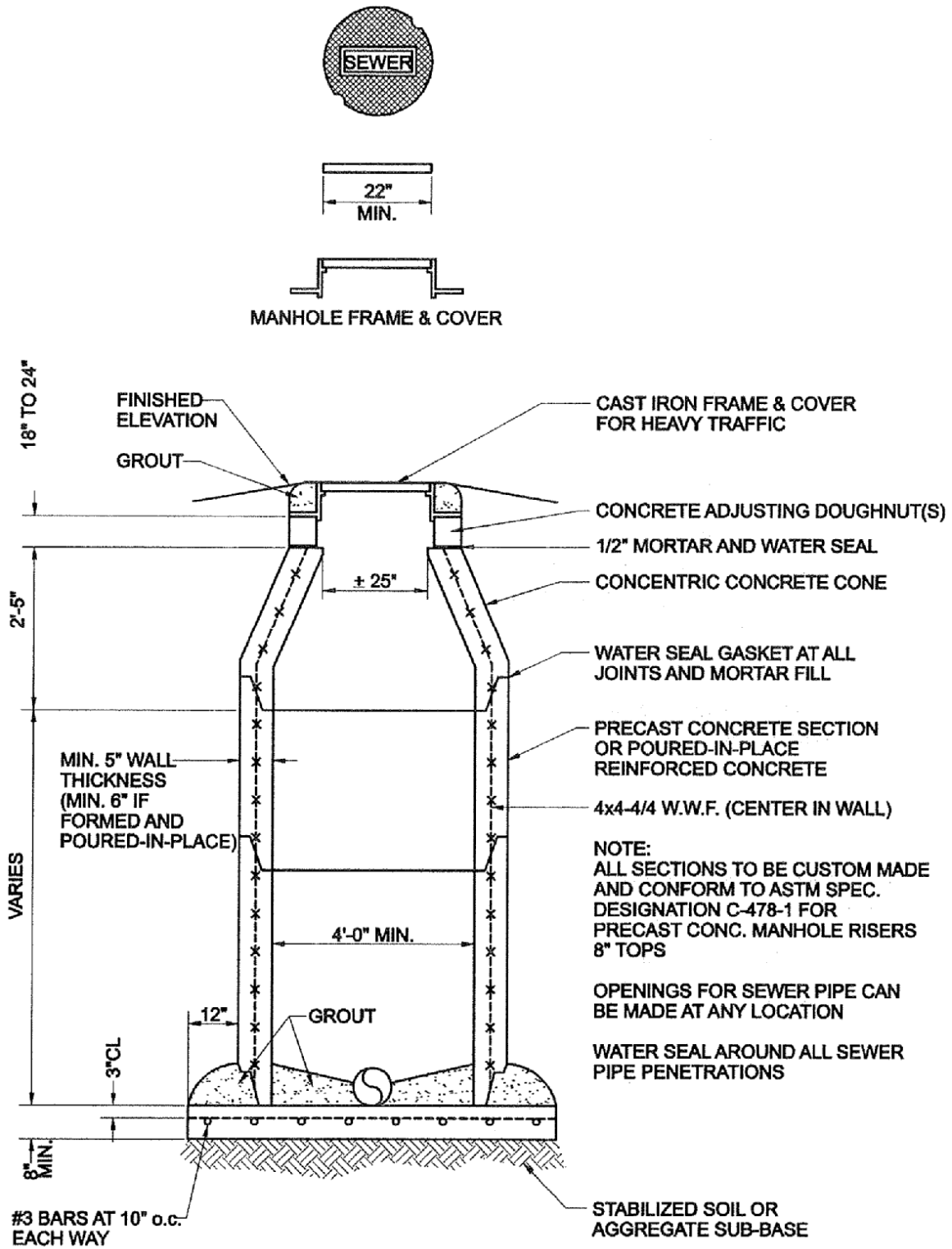


Figure 7—Typical Sewer Manhole

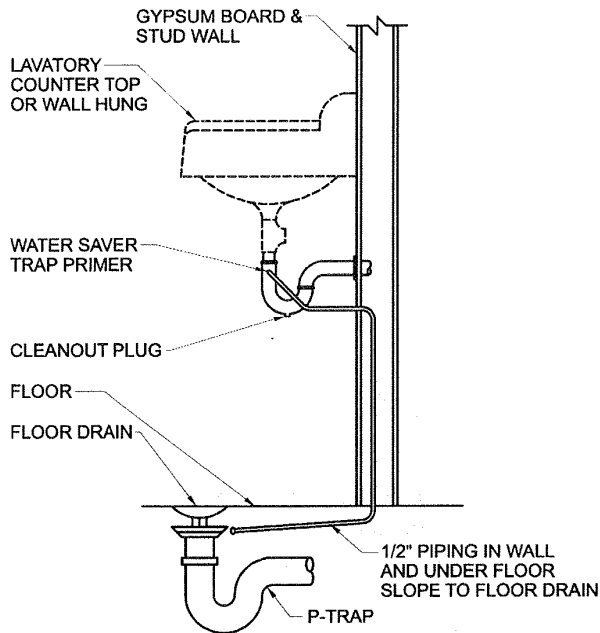


Figure 8—Floor Drain Trap Primer Detail

Alternate Grease Trap Sizing Formula								
Number of Meals Per Peak Hour <sup>1</sup>	x	Waste Flow Rate <sup>2</sup>	x	Retention Time <sup>3</sup>	x	Storage Factor <sup>4</sup>	=	Intercept or Size (liquid Capacity)
<b>1. Meals Served at Peak Hour</b>								
<b>2. Waste Flow Rate</b>								
a.		With dishwashing machine				6 gallon (22.7 L) flow		
b.		Without dishwashing machine				5 gallon (18.9 L) flow		
c.		Single service kitchen				2 gallon (7.6L) flow		
d.		Food waste disposer				1 gallon (3.8L) flow		
<b>3. Retention Times</b>								
Commercial kitchen waste dishwasher								2.5 hours
Single service kitchen single serving								1.5 hours
<b>4. Storage Factors</b>								
Fully equipped commercial kitchen								8 hour operation: 1.0
								16 hour operation: 2.0
								24 hour operation: 3.0
Single Service Kitchen								1.5

Figure 9—Alternate Grease Trap Sizing Formula

Grease Trap Minimum Capacity WITHOUT Garbage Grinder					
Retail Food Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Institutions Estimated People or Meals Served <sup>2</sup>	Grease Trap Size (gallons)	Retail Food Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Institutions Estimated People or Meals Served <sup>2</sup>	Grease Trap Size (gallons)
Less than 1,001	Up to 50		125	10,401 – 10,600	
1,001 – 1,200	51 – 60	150	10,601 – 10,800	531 – 540	1,350
1,201 – 1,400	61 – 70	175	10,801 – 11,000	541 – 550	1,375
1,401 – 1,600	71 – 80	200	11,001 – 11,200	551 – 560	1,400
1,601 – 1,800	81 – 90	225	11,201 – 11,400	561 – 570	1,425
1,801 – 2,000	91 – 100	250	11,401 – 11,600	571 – 580	1,450
2,001 – 2,200	101 – 110	275	11,601 – 11,800	581 – 590	1,475
2,201 – 2,400	111 – 120	300	11,801 – 12,000	591 – 600	1,500
2,401 – 2,600	121 – 130	325	12,001 – 12,200	601 – 610	1,525
2,601 – 2,800	131 – 140	350	12,201 – 12,400	611 – 620	1,550
2,801 – 3,000	141 – 150	375	12,401 – 12,600	621 – 630	1,575
3,001 – 3,200	151 – 160	400	12,601 – 12,800	631 – 640	1,600
3,201 – 3,400	161 – 170	425	12,801 – 13,000	641 – 650	1,625
3,401 – 3,600	171 – 180	450	13,001 – 13,200	651 – 660	1,650
3,601 – 3,800	181 – 190	475	13,201 – 13,400	661 – 670	1,675
3,801 – 4,000	191 – 200	500	13,401 – 13,600	671 – 680	1,700
4,001 – 4,200	201 – 210	525	13,601 – 13,800	681 – 690	1,725
4,201 – 4,400	211 – 220	550	13,801 – 14,000	691 – 700	1,750
4,401 – 4,600	221 – 230	575	14,001 – 14,200	701 – 710	1,775
4,601 – 4,800	231 – 240	600	14,201 – 14,400	711 – 720	1,800
4,801 – 5,000	241 – 250	625	14,401 – 14,600	721 – 730	1,825
5,001 – 5,200	251 – 260	650	14,601 – 14,800	731 – 740	1,850
5,201 – 5,400	261 – 270	675	14,801 – 15,000	741 – 750	1,875
5,401 – 5,600	271 – 280	700	15,001 – 15,200	751 – 760	1,900
5,601 – 5,800	281 – 290	725	15,201 – 15,400	761 – 770	1,925
5,801 – 6,000	291 – 300	750	15,401 – 15,600	771 – 780	1,950
6,001 – 6,200	301 – 310	775	15,601 – 15,800	781 – 790	1,975
6,201 – 6,400	311 – 320	800	15,801 – 16,000	791 – 800	2,000
6,401 – 6,600	321 – 330	825	16,001 – 16,200	801 – 810	2,025
6,601 – 6,800	331 – 340	850	16,201 – 16,400	811 – 820	2,050
6,801 – 7,000	341 – 350	875	16,401 – 16,600	821 – 830	2,075
7,001 – 7,200	351 – 360	900	16,601 – 16,800	831 – 840	2,100
7,201 – 7,400	361 – 370	925	16,801 – 17,000	841 – 850	2,125
7,401 – 7,600	371 – 380	950	17,001 – 17,200	851 – 860	2,150
7,601 – 7,800	381 – 390	975	17,201 – 17,400	861 – 870	2,175
7,801 – 8,000	391 – 400	1,000	17,401 – 17,600	871 – 880	2,200
8,001 – 8,200	401 – 410	1,025	17,601 – 17,800	881 – 890	2,225
8,201 – 8,400	411 – 420	1,050	17,801 – 18,000	891 – 900	2,250
8,401 – 8,600	421 – 430	1,075	18,001 – 18,200	901 – 910	2,275
8,601 – 8,800	431 – 440	1,100	18,201 – 18,400	911 – 920	2,300
8,801 – 9,000	441 – 450	1,125	18,401 – 18,600	921 – 930	2,325

Grease Trap Minimum Capacity WITHOUT Garbage Grinder					
Retail Food	Institutions	Grease Trap Size (gallons)	Retail Food	Institutions	Grease Trap Size (gallons)
Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Estimated People or Meals Served <sup>2</sup>		Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Estimated People or Meals Served <sup>2</sup>	
9,001 – 9,200	451 – 460	1,150	18,601 – 18,800	931 – 940	2,350
9,201 – 9,400	461 – 470	1,175	18,801 – 19,000	941 – 950	2,375
9,401 – 9,600	471 – 480	1,200	19,001 – 19,200	951 – 960	2,400
9,601 – 9,800	481 – 490	1,225	19,201 – 19,400	961 – 970	2,425
9,801 – 10,000	491 – 500	1,250	19,401 – 19,600	971 – 980	2,450
10,001 – 10,200	501 – 510	1,275	19,601 – 19,800	981 – 990	2,475
10,201 – 10,400	511 – 520	1,300	19,801 – 20,000	991 – 1,000	2,500

<sup>1</sup> Retail establishments expected to serve more meals than estimated by usable sq ft shall install the larger size grease trap.

<sup>2</sup> Estimated # of people or meals served is the # of persons or meals served during the largest meal period.

Figure 10—Grease Trap Sizing Chart (Without Garbage Grinder)

Grease Trap Minimum Capacity WITH Garbage Grinder					
Retail Food	Institutions	Grease Trap Size (gallons)	Retail Food	Institutions	Grease Trap Size (gallons)
Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Estimated People or Meals Served <sup>2</sup>		Usable Square Footage (ft <sup>2</sup> ) <sup>1</sup>	Estimated People or Meals Served <sup>2</sup>	
Less than 1,001	Up to 50	500	10,401 – 10,600	521 – 530	1,700
1,001 – 1,200	51 – 60	525	10,601 – 10,800	531 – 540	1,725
1,201 – 1,400	61 – 70	550	10,801 – 11,000	541 – 550	1,750
1,401 – 1,600	71 – 80	575	11,001 – 11,200	551 – 560	1,775
1,601 – 1,800	81 – 90	600	11,201 – 11,400	561 – 570	1,800
1,801 – 2,000	91 – 100	625	11,401 – 11,600	571 – 580	1,825
2,001 – 2,200	101 – 110	650	11,601 – 11,800	581 – 590	1,850
2,201 – 2,400	111 – 120	675	11,801 – 12,000	591 – 600	1,875
2,401 – 2,600	121 – 130	700	12,001 – 12,200	601 – 610	1,900
2,601 – 2,800	131 – 140	725	12,201 – 12,400	611 – 620	1,925
2,801 – 3,000	141 – 150	750	12,401 – 12,600	621 – 630	1,950
3,001 – 3,200	151 – 160	775	12,601 – 12,800	631 – 640	1,975
3,201 – 3,400	161 – 170	800	12,801 – 13,000	641 – 650	2,000
3,401 – 3,600	171 – 180	825	13,001 – 13,200	651 – 660	2,025
3,601 – 3,800	181 – 190	850	13,201 – 13,400	661 – 670	2,050
3,801 – 4,000	191 – 200	875	13,401 – 13,600	671 – 680	2,075
4,001 – 4,200	201 – 210	900	13,601 – 13,800	681 – 690	2,100
4,201 – 4,400	211 – 220	925	13,801 – 14,000	691 – 700	2,125
4,401 – 4,600	221 – 230	950	14,001 – 14,200	701 – 710	2,150
4,601 – 4,800	231 – 240	975	14,201 – 14,400	711 – 720	2,175
4,801 – 5,000	241 – 250	1,000	14,401 – 14,600	721 – 730	2,200
5,001 – 5,200	251 – 260	1,025	14,601 – 14,800	731 – 740	2,225
5,201 – 5,400	261 – 270	1,050	14,801 – 15,000	741 – 750	2,250
5,401 – 5,600	271 – 280	1,075	15,001 – 15,200	751 – 760	2,275
5,601 – 5,800	281 – 290	1,100	15,201 – 15,400	761 – 770	2,300
5,801 – 6,000	291 – 300	1,125	15,401 – 15,600	771 – 780	2,325
6,001 – 6,200	301 – 310	1,150	15,601 – 15,800	781 – 790	2,350
6,201 – 6,400	311 – 320	1,175	15,801 – 16,000	791 – 800	2,375
6,401 – 6,600	321 – 330	1,200	16,001 – 16,200	801 – 810	2,400
6,601 – 6,800	331 – 340	1,225	16,201 – 16,400	811 – 820	2,425
6,801 – 7,000	341 – 350	1,250	16,401 – 16,600	821 – 830	2,450
7,001 – 7,200	351 – 360	1,275	16,601 – 16,800	831 – 840	2,475
7,201 – 7,400	361 – 370	1,300	16,801 – 17,000	841 – 850	2,500
7,401 – 7,600	371 – 380	1,325	17,001 – 17,200	851 – 860	2,525
7,601 – 7,800	381 – 390	1,350	17,201 – 17,400	861 – 870	2,550
7,801 – 8,000	391 – 400	1,375	17,401 – 17,600	871 – 880	2,575
8,001 – 8,200	401 – 410	1,400	17,601 – 17,800	881 – 890	2,600
8,201 – 8,400	411 – 420	1,425	17,801 – 18,000	891 – 900	2,625
8,401 – 8,600	421 – 430	1,450	18,001 – 18,200	901 – 910	2,650
8,601 – 8,800	431 – 440	1,475	18,201 – 18,400	911 – 920	2,675
8,801 – 9,000	441 – 450	1,500	18,401 – 18,600	921 – 930	2,700
9,001 – 9,200	451 – 460	1,525	18,601 – 18,800	931 – 940	2,725
9,201 – 9,400	461 – 470	1,550	18,801 – 19,000	941 – 950	2,750
9,401 – 9,600	471 – 480	1,575	19,001 – 19,200	951 – 960	2,775
9,601 – 9,800	481 – 490	1,600	19,201 – 19,400	961 – 970	2,800
9,801 – 10,000	491 – 500	1,625	19,401 – 19,600	971 – 980	2,825
10,001 – 10,200	501 – 510	1,650	19,601 – 19,800	981 – 990	2,850
10,201 – 10,400	511 – 520	1,675	19,801 – 20,000	991 – 1,000	2,875

<sup>1</sup> Retail establishments expected to serve more meals than estimated by usable sq ft shall install the larger size grease trap.

<sup>2</sup> Estimated # of people or meals served is the # of persons or meals served during the largest meal period.

Figure 11—Grease Trap Sizing Chart (With Garbage Grinder)



AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2907 (November 2012).

**§1809. Appendix D—Vacuum Drainage Systems  
[formerly Appendix K—Vacuum Drainage Systems]**

A. System. A vacuum drainage system shall comply with the following.

1. General. Since a vacuum drainage system is considered an alternate designed plumbing system, the requirements of Chapter 12 of this code shall apply and such systems shall be considered on an individual basis.

2. System Design. Vacuum drainage systems shall be designed in accordance with manufacturer's specifications. The system arrangement, including piping, tank assemblies, vacuum pump assembly and other components necessary for proper function of the system shall be in accordance with manufacturer's specifications. In general, vacuum drainage systems may be considered for approval by the state health officer for use on handling island display refrigerator/freezer condensate wastes in grocery stores. Such wastes from display refrigerators/freezers handling meat or dairy products or other products containing fats, grease or oils shall discharge, in an approved manner, through an approved grease trap prior to discharge into the sanitary sewer system. Also, any food items stored below any portion of a vacuum drainage system (for example, in-the-ceiling vacuum waste piping located above food shelves or food preparation areas) shall be protected from potential contamination by adequate shielding to intercept any potential drips (in accord with LAC 51:XXIII.1503.A.6). Vacuum drainage systems for liquid wastes from other types of plumbing fixtures, such as sinks, water closets, etc., are discouraged. A standby emergency generator, permanently wired to automatically operate the vacuum pump motor upon loss of the normal power source, should be installed to ensure continuous operation of a vacuum drainage system.

3. Plans and specifications. Plans and specifications for such systems shall be designed by a Louisiana Registered Professional Engineer registered in either civil or mechanical engineering and submitted to the state health officer for review and approval prior to installation.

B. Fixtures. Gravity type fixtures used in vacuum drainage systems shall comply with Chapter 4 of this code.

C. Drainage Fixture Units. The drainage fixture load of gravity drainage systems which discharge into or receive discharge from vacuum drainage systems shall be based upon values in Chapter 7 of this code.

D. Water Supply Fixture Units. Water supply fixture load shall be based upon values in Table 1805.B of this code. The load requirement of a vacuum type water closet shall be determined per manufacturer's specifications.

E. Traps and Cleanouts. Gravity type fixtures shall be provided with traps and cleanouts in accordance with Chapters 7 and 10 of this code.

F. Materials. Vacuum drainage pipe, fitting and valve materials shall be as specified by the vacuum drainage system manufacturer and as listed in this Part.

G. Tests and Demonstrations. After completion of the entire system installation, the system shall be subjected to a vacuum test of 19 inches of mercury (64 kPa) and shall be operated to function as required by the state health officer and/or the local plumbing official and the manufacturer. Tests shall be witnessed by the state health officer and/or the local plumbing official. The results of such tests shall be submitted to the state health officer and the local plumbing official.

H. Written Instructions. Written instructions for the operations, maintenance, safety and emergency procedures shall be provided to the building owner and shall be available for inspection by the state health officer and the local plumbing official at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2917 (November 2012).

**§1811. Appendix E—Alternate Designed Plumbing Systems  
[formerly Appendix L—Alternate Designed Plumbing Systems]**

A. General. Pursuant to the requirements of Chapter 12 of this code, the approval of alternate designed plumbing systems shall be considered on an individual basis.

1. Scope. The provisions of this appendix shall assist in governing the materials, design and installation of non-prescriptive plumbing systems, also known as alternate designed plumbing systems. In accord with the requirements of Chapter 12 of this code, any one of the systems mentioned in this appendix shall be designed by a Louisiana registered professional engineer registered in either civil or mechanical engineering. Any alternate designed plumbing system shall not be installed until the plans and specifications have been reviewed and approved by the state health officer, pursuant to the requirements of Chapter 12 of this code.

2. General System Provisions. Discharge pipe systems shall comprise the minimum of pipe work necessary to carry away the foul water from the building quickly and quietly, with freedom from nuisance or risk of injury to health.

B. Definitions

*Discharge Pipe*—a pipe which conveys the discharges from *plumbing fixtures* or appliances.

*Discharge Unit*—a unit so chosen that the relative load-producing effect of *plumbing fixtures* can be expressed as multiples of that unit. The *discharge unit* rating of a *fixture* depends on its rate and duration of discharge and on the interval between discharges. It is not a simple multiple of a rate of flow and is a different method of assessment than the *fixture unit* applicable to other Chapters of this Part and the two (*fixture unit* and *discharge unit*) cannot be interchanged.

*Fixture Tail Piece or Connection*—see definition under §203 of this code.

*Ventilating Pipe*—a pipe provided to facilitate the circulation of air within the system and to protect *trap seals* from excessive pressure fluctuation.

C. Combination Waste and Vent System. A combination waste and vent system is an alternate designed plumbing system; thus, the requirements of Chapter 12 of this code apply to any combination waste and vent system. Combination waste and vent systems shall conform with the following.

1. Approval. Plans and specifications for each combination waste and vent system shall be submitted to the state health officer for review and approval. Written approval of such plans and specifications shall be obtained before any installation is started.

2. Limits. The following limits shall be applied to any combination waste and vent system.

a. A combination waste and vent system is limited to dishwashers, floor sinks, indirect waste receptors, floor drains or similar fixtures which waste at or below floor level and where the fixtures are not adjacent to walls or partitions thus making it impractical to provide conventional venting. It consists of the installation of waste piping in which the trap of the fixture is not individually vented.

b. Caution must be exercised to exclude appurtenances delivering large quantities of water or sewage such as pumps, etc., in a combination waste and vent system in order that adequate venting will be maintained. Water closets, clinical sinks, and urinals shall not waste into a combination waste and vent system. Sinks, lavatories, etc., that waste above floor level should not be allowed to waste into a combination waste and vent system.

3. Dishwashers. Dishwashers, three-compartment sinks and other scullery sinks in commercial buildings shall drain through a grease interceptor sized in accordance with this code and they shall only then be allowed to discharge into the combination waste and vent system via a floor sink through an air gap (drainage system) or air break (drainage system). The purpose of this requirement is to keep grease out of the combination waste and vent system since such a system is not self-scouring due to the over-sized piping required.

4. General Design. The general design elements of a combination waste and vent system shall be as follows.

a. Every waste pipe and trap in this system shall be at least two pipe sizes larger than the conventional plumbing size required in Chapter 7 of this code, and at least two pipe sizes larger than any fixture tail piece or connection. In addition, the fixture tail piece or connection itself shall remain normal size in order to limit the rate of flow and amount of wastewater allowed to enter the horizontal combination waste and vent waste pipe. In order to maintain a continuous vent space above the liquid waste within the horizontal waste pipe, all fixtures shall waste into the horizontal combination waste and vent waste pipe from the horizontal only. The fixture drain length to the horizontal combination waste and vent waste pipe shall be limited by Table 913.A of this code. Floor sinks shall be connected through a running trap two pipe sizes larger than the sink outlet. A vertical cleanout extension shall be provided on the top of the inlet side of the running trap and shall be

accessible at floor level for rodding out the trap and fixture drain. Floor sink and waste piping from the floor sink to the trap shall be sized for the total fixture units draining thereto, based on Table 723.B of this code, but in no case shall the line be less than 2-inch (51 mm) waste pipe when piping is underground. In addition, the length of such piping should not exceed the distance permitted for indirect waste to vent (see §809.A.2, and Figure 2 in Section 1807 of this code).

b. A vent shall be provided at the upstream end of each branch, washed over or under by the last fixture on the branch. No vent shall take off from the horizontal waste branch at an angle of less than 45 degrees (0.785 rad) from the horizontal unless washed by a fixture. A vent shall be located at all points where branches intersect. A vent shall be located downstream from all fixtures in the system, in addition to the upstream vent, separating the combination waste and vent system from all other systems in the building. All vents in a combination waste and vent system shall be provided with an accessible above-grade<sup>(g)</sup> cleanout. Line cleanouts for horizontal waste piping shall be provided as required in Chapter 7 of this code. Drainage fixture pattern fittings shall be provided for all vent piping below the level of 6 inches (152 mm) above the flood-level rim of the highest fixture connection. No fixtures other than those permitted in §1811.C.2 of this code shall discharge into any branch or portion of this system. See Figures 6 and 7 in Section 1807 of this code.

c. Caution shall be used in the design of the system to assure that the vertical distance from fixture or drain outlet to trap weir does not exceed 24 inches (610 mm). Long runs shall be provided with additional relief vents located at intervals of not more than 100 ft (30.5 m) to equalize pressure in the system.

5. Size of Vents. The size of vents shall be in accordance with requirements of §937.B and Table 937.B of this code, but the internal cross-sectional area of the vent shall be not less than one-half of the internal cross-sectional area of the waste pipe served (normally, measured in square inches), except that the vents shall be the same size as the waste branch to a point at least 6 inches (152 mm) above the flood-level rim of the highest fixture connected before reduction, in accordance with Table 937.B of this code.

6. Receptor Drain Size. Indirect waste receptors shall be sized for the fixture units draining thereto, regardless of other requirements of this code.

#### D. Single Stack Discharge and Ventilating Systems

1. Approval. The purpose of this Subsection is to make provisions for the design and installation of a single stack discharge and ventilating plumbing system which is not otherwise allowed in this code. In accord with Chapter 12 of this code, the plumbing official shall require that the owner submit necessary plans and specifications to the state health officer by a Louisiana Registered Professional Engineer registered in either civil or mechanical engineering.

2. Tests. The single stack discharge and ventilating system shall be tested in accordance with §1205.C of this code.

3. General. The following general provisions are applicable to single stack discharge and ventilating systems.

a. Trap Function. To prevent exchange of air between the discharge pipe system and the inside of the

building, a trap having an adequate water seal shall be provided for each fixture (see §1811.D.4 of this code). The discharge piping system shall be so designed as to retain adequate water seals in all traps under normal pressure fluctuations caused by discharge from fixtures (see §1205.C of this code). For design purposes, the effects of the flow of water in the branch connecting the fixture to the stack, and the flow of water down the stack, shall be considered separately. See §§1811.D.3.b and 1811.D.3.c of this code below.

b. Seal Loss (Branch Effect). Seal losses produced by flow in a branch depend on the following:

- i. the design of the fixture (funnel shaped fixtures increase the chance of self-siphonage); and,
- ii. the length and fall (slope or gradient) and the diameter of the pipe.

(a). Branch effects are not affected by the height of the building and they can therefore be controlled by limiting the length and the fall of the branch.

c. Seal Loss (Stack Effect). Seal losses produced by flow down the stack depend on the following:

- i. the flow load (which depends on the number of fixtures connected to the stack and the frequency with which they are used);
- ii. the diameter of the stack; and,
- iii. the height of the stack.

(a). Excessive seal losses can be prevented by choosing a size of stack appropriate to the height of the building and to the number of fixtures connected to it.

d. Fixture Layout. Where the layout of fixtures is suitable, careful design and installation can lead to considerable economies in pipework by eliminating the need for separate ventilating pipes (see §1811.D.6 of this code). Where these requirements cannot be followed, traps shall be ventilated by pipes of adequate size as described in §1811.D.7 of this code.

e. System Design. Consideration shall be given in design to the following points which, in addition to being good general practice, will also obviate trouble from the foaming of detergents.

i. Where practicable, all fixtures shall be connected to one main stack which is at least 4 inches in diameter except for one story buildings where a 3-inch stack may be satisfactory (see §1811.D.6 and Table 1811.D.5.5B of this code).

ii. Where sinks are connected to a separate stack, the stack shall be larger than normal (a minimum of 4-inch diameter for buildings over five stories) and connected directly to the building drain.

iii. For over two sinks, stacks shall be (when one sink is over another on separate floor levels) a minimum of 2 1/2-inch diameter.

iv. The interconnection of stacks is not permitted except when fixtures below such interconnection are vented as required elsewhere in this code.

v. For buildings more than five stories high, ground floor fixtures shall be connected separately to the building drain, and vented back into the main discharge stack above

the fixtures on the floor above, or the vent shall be connected with a main ventilating stack when such stack is required by Table 1811.D.6C of this code.

vi. Bends and offsets in vertical stacks are prohibited.

f. Jointing and Support. The selection of materials, their jointing and support shall be in consideration of the effects of possible settlement, thermal movement, and corrosion (see §1811.D.9 of this code). Some materials may require protection against mechanical damage.

g. Access. There shall be adequate provision for access to pipework, and the embedding of joints in the structure shall be avoided (see §§1811.D.8 and 1811.D.10 of this code).

4. Traps. Traps shall meet the following requirements.

a. General. The entry of foul air from the drainage system into the building is prevented by the installation of suitable traps which are of self-cleansing design. A trap which is not an integral part of a fixture shall be attached to and immediately beneath the fixture outlet and the bore of the trap shall be smooth and uniform throughout.

b. Diameters. The internal diameters of traps shall be not less than those given in Table 1811.D.4 of this code.

Type of Domestic Appliance	Min. Internal Diameter (in.)
Lavatory	1 1/4
Sink	1 1/2
Bathtub	1 1/2 or 2 <sup>1</sup>
Shower	2
Wash tub	1 1/2
Kitchen waste disposal unit (tubular trap is essential)	1 1/2

NOTE:

1. See Figures 1811.D.5.4A, 1811.D.5.4B, and Table 1811.D.5.5A of this code.

c. Depth of Seals. Traps of water closets shall have a minimum water seal of 2 inches (51 mm); traps of other fixtures shall have a minimum water seal of 3 inches (76 mm) for pipes up to and including 2 inches in diameter and 2-inch minimum water seal for pipes over 2 inches in diameter.

5. Discharge Pipes. Discharge pipes shall meet the following requirements.

a. Diameters. The internal diameter of a horizontal discharge pipe (fixture drain) shall normally be that of the trap to which it is attached, and in no case less, except that no fixture drain shall be less than 1 1/2-inch diameter.

b. Branch Gradients. The fall or slope of discharge pipes shall be adequate to drain the pipe efficiently and in no case less than shown in Table 1811.D.5.5C of this code (see §1811.D.5.e of this code).

c. Bends, Branches and Offsets. All bends, branches and offsets shall be of easy radius and there shall be no restriction in the bore of the pipe.

d. Prevention of Cross Flow. To prevent water closet discharge from backing up a bath waste line, the latter

shall be connected to the stack with its center line either at, above, or at least 8 inches (203 mm) below the center line of the water closet branch (see Figure 1811.D.5.4A of this code). Where this cannot be achieved, a parallel branch may be used (see Figure 1811.D.5.4B of this code). Alternatively, the level of the water closet branch connection may be modified as above by dotted lines in Figure 1811.D.5.4B of this code.

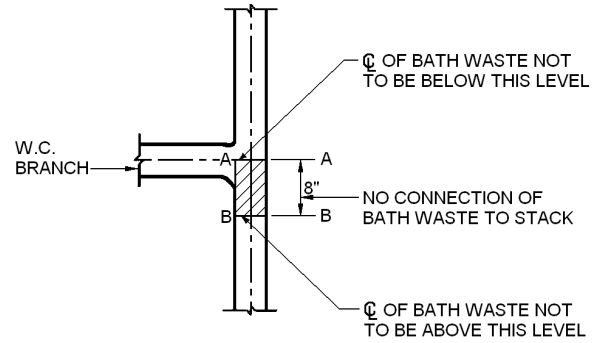
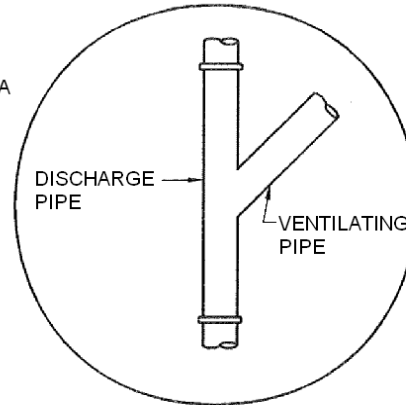
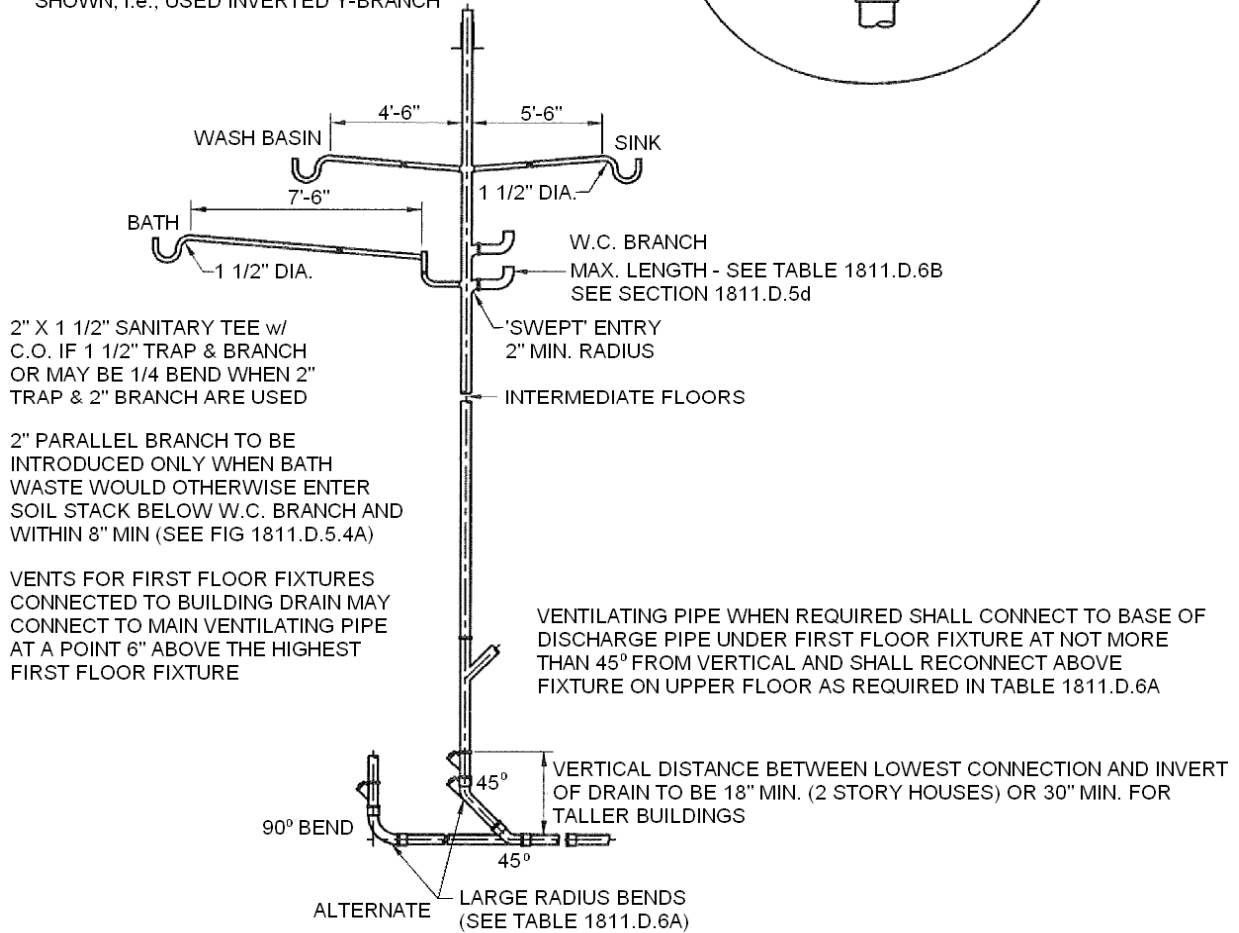


Figure 1811.D.5.4A

VENTILATION PIPES CONNECTING TO THE DISCHARGE STACK AT INTERMEDIATE LEVELS SHALL CONNECT IN A DOWNWARD DIRECTION 45° FROM THE VERTICAL



ON TOP FLOOR ONLY ABOVE HIGHEST FIXTURE BRANCH VENT FITTING TO BE REVERSE OF THAT SHOWN, i.e., USED INVERTED Y-BRANCH



1. FOR DEPTH OF TRAP SEALS SEE SECTION 1811.D.4
2. NO OFFSETS ARE PERMITTED BELOW THE CONNECTION OF THE TOPMOST FITTING OF THE STACK.
3. FALL OF BRANCH DISCHARGE PIPE VARIES WITH LENGTH.

Figure 1811.D.5.4B

e. Pipe Capacities. Discharge unit values for plumbing fixtures are given in Table 1811.D.5.5A of this code. For other fixtures the discharge unit value shall be taken as that given in Table 1811.D.5.5A of this code for a fixture with the same diameter trap with a comparable use interval. Where other use intervals are expected, the appropriate discharge unit value may be determined since the values given in Table 1811.D.5.5A of this code show that the discharge unit value is inversely proportional to the use interval, i.e., if the use interval is doubled, then the discharge unit value is halved. The discharge unit values of all fixtures contributing to flow in a pipe shall be added and the appropriate pipe size (and fall or slope) chosen from Table 1811.D.5.5B of this code for vertical stacks or Table 1811.D.5.5C of this code for the building drain or its horizontal branches.

f. Waste Disposal Units. Special precautions are necessary where kitchen or food waste disposal units are connected to the discharge pipe system. The discharge pipe from such a unit shall connect directly to the main discharge pipe without intermediate connection with any other discharge pipe. Tubular traps shall always be used and any instructions as to installation given by the manufacturer shall be observed. To avoid hot grease being carried into discharge pipes and drains, where it might build up and cause blockage, waste disposal units shall always be automatically flushed with cold water in order to solidify grease before it enters the drainage system.

Table 1811.D.5.5A Plumbing Fixture Discharge Unit Values		
Type Fixture	Intervals between use in minutes	Discharge unit values
Tank Type W.C.	20	15
Sink	25	8
Wash Basin	25	3
Bathtub	75	8
Shower Stall	75	4
Garbage Disposal	25	4
1 fixture group consisting of 1 W.C., 1 Sink, 1 Tub and 1 Lavatory		20

Table 1811.D.5.5B Maximum Number of Discharge Units Allowed on Vertical Stacks <sup>1,2</sup>	
Nominal Internal Diameter of Pipe (in.)	Discharge Units
2	20 (No W.C.)
3	200 (No W.C.)
4	850
5	2700
6	6500

NOTES:

1. The capacity of a vertical discharge pipe (stack) is limited by the need to preserve a large air core to prevent excessive pressure fluctuation. The flow capacity of a stack may therefore be less than that of a pipe of the same diameter laid at a steep fall.
2. Discharge pipes sized by this method give the minimum size necessary to carry the expected flow load. Separate ventilation pipes may be required (see §1811.D.7 of this code). It may be worthwhile to consider over sizing the discharge pipes to reduce the ventilating pipework required.

Table 1811.D.5.5C Maximum Number of Discharge Units <sup>1,2</sup> Connected to Building Drain or Building Sewer			
Nominal Internal Diameter of Pipe (in.)	Slope or Fall Per Foot (in.)		
	1/8	1/4	1/2
2	—	10	26
3	40	100	230
4	30	430	1,050
5	780	1,500	3,000
6	2,000	3,500	7,500

NOTES:

1. Discharge pipes sized by this method give the minimum size necessary to carry the expected flow load. Separate ventilation pipes may be required (see §1811.D.7 of this code). It may be worthwhile to consider over sizing the discharge pipes to reduce the ventilating pipework required.
2. Building sewer sizes start at 4 inches.

6. Design of Pipe Systems for Dwellings. The design of a single stack discharge and ventilating system for dwellings shall conform with the following.

a. General. In dwellings only, the choice and layout of fixtures and their waste pipes may follow the recommendations for simplified systems as provided in this Subsection. Simplified systems for other types of buildings may be possible but are not provided for in this Part.

b. Design of Single Branches and Fittings. The design of single branches and fittings shall comply with the following.

i. Branch discharge waste pipes (fixture drains) serving plumbing fixtures shall have a uniform shallow fall or slope and the inlet to the stack shall be of a sanitary pattern and have a sweep of not less than 1-inch (25.4 mm) radius. Any horizontal change of direction in a fixture drain shall be of long radius and vertical changes of direction are prohibited.

ii. Water closet branch inlets to the stack shall be swept in the direction of flow with a radius at the invert of not less than 2 inches (51 mm). Entries at 45 degrees (0.785 rad) from the vertical are considered equivalent.

iii. Detailed provisions for the design of single fixture branch pipes (fixture drains) and fittings are given in Tables 1811.D.6A and 1811.D.6B of this code.

Table 1811.D.6A Design of Single Branches and Fittings		
Component	Design Requirements	Possible Problem
Bend at foot of stack	Bend to be of "large radius", i.e., 6-inch minimum root radius or, if adequate vertical distance is available, two "large radius" 45 bends are to be preferred. Vertical distance between lowest branch connection and invert of drain to be at least 18 inches for a two story house and 30 inches for taller dwellings. Where this distance cannot be achieved, ground floor fixtures shall be connected directly to the building drain and vented as provided for in other Chapters of this Part (see Figure 1811.D.5.4B of this code).	Back pressure at lowest branch, foaming of detergents
W.C. branch connection to stack	Water closet connections shall be swept in the direction of flow with radius at the invert of not less than 2 inches. Fittings in other materials shall have the same sweep as cast iron fittings. The length of unvented water closet is closet branches shall be limited by the diameter of the branch piping: 6 ft for 3-inch diameter, 10 ft for 4-inch diameter.	Induced siphonage at lower level in the stack when water closet is discharged
Lavatory waste 1 1/4-inch trap and 1 1/2-inch minimum waste pipe. Lavatories with 1 1/2-inch P.O. plugs may be installed as provided for sink waste.	"P" traps shall be used. The maximum fall of the waste pipe shall not exceed the hydraulic gradient of the pipe. For the maximum distance between the stack and trap weir see Table 1811.D.6B of this code. Any bends on plan shall be of not less than 3-inch radius at the center line. Waste pipes longer than the recommended maximum length shall be vented. As an alternative, 2-inch diameter waste pipes may be used so long as the hydraulic gradient is not exceeded, but additional maintenance may be necessary to maintain the bore.	Self-siphonage
Bath waste 1 1/2-inch trap and 1 1/2-inch waste pipe	"P" traps shall be used (a 2-inch parallel branch, when required shall not be considered a violation of requirements of other Sections of this Part, when its vertical length does not exceed 12 1/2 inches, and the center line of the parallel branch is not more than 12 1/2 inches from the stack). Owing to the flat bottom of a bath, the trailing discharge normally refills the trap and the risk of self-siphonage is much reduced. Waste pipes 7 ft 6 in. long at a fall or slope of 1/4 in./ft have been used successfully. Position of entry of bath waste into stack to be as shown in Figure 1811.D.5.4A of this Part.	Self-siphonage
Sink Waste 1 1/2-inch trap and 1 1/2-inch waste pipe	"P" traps shall be used. Owing to the flat bottom of a sink, the trailing discharge normally refills the trap and the risk of self-siphonage is much reduced. Fall or slope of 1/4 in./ft shall be maintained. For maximum length, see Table 1811.D.6B of this code. A sink with 1 1/2-inch tail piece may be drained with a 2-inch horizontal branch not exceeding 8 feet in length. When a 2-inch branch is used, the trap outlet shall connect to a 2 x 1 1/2 inches reducing fitting. An opening into the branch larger than 1 1/2 inches will not be permitted except for a cleanout.	Self-siphonage

NOTE:

1. Where the length or fall of the discharge pipe serving a waste fixture is greater than the recommended maximum in this table, the discharge pipe shall preferably be vented (see §1811.D.7 of this code) or a larger diameter discharge pipe shall be used. This may have a maximum length of 10 ft.

Table 1811.D.6B Distance From Trap Weir to Stack or Other Ventilating Pipe	
Minimum Size of Fixture Drain (in.)	Distance Trap to Stack or Vent
1 1/2-inch fixture drains required for lavatories with 1 1/4-inch traps	4 ft 6 in.
1 1/2	5 ft 6 in. (Other than bath waste)
2	7 ft 6 in. (For bathtubs see Table 1811.D.6A of this code)

c. Design of Main Pipework

i. Design details for stacks of various diameters are given below. The choice of design will depend on the space taken up by the pipes and the ease with which they can be accommodated in the building.

ii. An offset in the stack above the topmost connection to the stack has little effect on the performance of the system. Offsets below the topmost connection should be avoided lest extra ventilating pipes be necessary to maintain adequate water seals.

d. 3-Inch Stacks. 3-inch stacks in a single stack system are limited to fixtures other than water closets and to fixtures with maximum drain sizes of 2 inches.

e. 4-Inch Stacks. For details of ventilating pipes see Table 1811.D.6C of this code.

f. 5-Inch Stacks with No Vents (Single Stack System). Suitable for buildings up to 12 stories high where the stack serves one group of fixtures on each floor, or up to 10 stories high where the stack serves up to two groups of fixtures on each floor.

g. 6-Inch Stacks with No Vents (Single Stack System). Suitable for buildings up to at least 20 stories high with not more than two groups of fixtures on each floor.

<b>Table 1811.D.6C</b> <b>Ventilating Pipes Required for Various Loading Conditions</b> <b>4-inch Discharge Stack</b>		
<b>Number of stories</b>	<b>Stack serving one group on each floor</b> (Each group consists of a water closet, a bath, a basin and a sink. Where dwellings contain more fixtures it may be necessary to provide additional vents)	<b>Stack serving two groups<sup>1</sup> on each floor</b>
Flats (Each complete living unit is on one floor), 1 to 5	No separate venting required	No separate venting required
6-11	2-inch vent stack connected to the discharge stack on alternate floors	2-inch vent stack connected to the discharge stack on alternate floors
12-15	2-inch vent stack connected to the discharge stack on each floor	2-inch vent stack connected to the discharge stack on each floor
16-20	2 1/2-inch vent stack connected to the discharge stack on each floor	3-inch vent stack connected to the discharge stack on each floor
Maisonettes (Each complete living unit occupies space on two floors, with baths on one floor of the unit), 1 to 4	Single stack system	Single stack system
5-8	Single stack system	2-inch vent stack connected to the discharge stack on alternate (bathroom) floors
9-15	2-inch vent stack connected to the discharge stack on alternate (bathroom) floors	2-inch vent stack connected to the discharge stack on alternate (bathroom) floors
16-20	2 1/2-inch vent stack connected to the discharge stack on alternate (bathroom) floors	3-inch vent stack connected to the discharge stack on alternate (bathroom) floors

7. Ventilating Pipes. Ventilating pipes shall comply with the following.

a. General. The purpose of a ventilating pipe is to maintain equilibrium of pressure within the system and thus prevent the destruction of trap seals by siphonage or compression. It will also assist in preventing undue accumulation of foul air by facilitating air movement in the pipe system.

b. Installation. Ventilating pipes shall be so installed that there is a continuous fall back into the discharge pipe system to prevent any possibility of a waterlock or trap preventing the free movement of air through the ventilating system and to minimize the risk of internal corrosion. Short turn fittings in the pipework shall be avoided.

c. Branch Vents. Branch ventilating pipes may be connected to a main ventilating pipe or be carried upward either individually or in combination with one another. Such connections shall be above the flood level of the highest fixture served.

d. Sizes. The diameter of a branch ventilating pipe or of a ventilating stack shall be as given in Table 1811.D.7 of this code. For extremely long ventilating stacks, a larger

diameter pipe shall be used. See Note 1 in Table 1811.D.7 of this code.

e. Arrangement. A branch ventilating pipe, when required, shall be connected to the individual fixture discharge pipe (fixture drain) not less than 3 inches (76 mm) from the crown weir of the trap. A fixture may be connected to the bottom of a fixture vent, or at the base of a main ventilating stack to assure its being kept clear.

f. Purpose. The purpose of the ventilating pipes is to reduce the pressure fluctuations in the discharge stack by allowing air to enter the stack. Where venting is necessary, therefore, it is often convenient to do so by cross connecting the ventilating stack and the discharge stack directly, preferably above the highest fixtures as appropriate. To prevent cross flow into the ventilating stack, the branch ventilating pipe shall slope upward from the discharge stack at an angle of not less than 45 degrees (0.785 rad) from the horizontal until it reaches a point 6 inches (152 mm) above the flood level rim of the highest fixture serving the floor, at which point it may run at a horizontal angle until connecting with the vertical vent.

<b>Table 1811.D.7</b> <b>Branch Ventilation Pipe or Ventilating Stack</b>	
<b>Diameter of branch discharge pipe or discharge stack, D (in.)</b>	<b>Diameter of Ventilating Pipe</b> (When the vent length exceeds the length of the discharge stack, the vent shall be at least one pipe size larger than required by this table except for individual fixture vents)
Smaller than 3	2/3 D
3 to 4 inclusive	2 in.
Larger than 4	1/2 D

g. Discharge Point. The outlet of every ventilating pipe system to the open air shall be at such a height and position as will effectively prevent the entry of foul air into the building (see §907 of this code).

8. Pipe Chases and Enclosures, Etc. Pipework enclosures, e.g., ducts, casings, etc., shall be of adequate size and shall have access provisions for maintenance, painting, testing and cleaning. They shall be constructed appropriately for fire resistance in accordance with requirements of the applicable codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session.

9. Choice of Materials. Materials shall conform to the applicable requirements of other Sections and Chapters of this code. Fittings used in the construction of single stack plumbing systems shall in no case be designed with inlet radii less than provided for in this Subsection.

10. Access to Interior of Pipework. Sufficient access shall be provided to enable all pipework to be tested and to provide reasonable access for cleaning and other necessary maintenance. All access points for clearing purposes shall be carefully sited to allow the entry of clearing apparatus or the insertion of testing apparatus and, where these are in ducts, consideration shall be given to the other services accommodated in the duct.

11. Simultaneous Discharge. The system of discharge pipes shall be capable of withstanding satisfactorily the effects of the probable maximum simultaneous discharge of fixtures which will occur in practice. The number of fixtures to be discharged together to simulate this effect is given in Table 1811.D.11 of this code.

a. For example, for a block of flats nine stories high with the stack serving one water closet, one lavatory, one sink and one bath on each floor, the test discharge is one water closet, one lavatory and one sink simultaneously discharged on each floor (i.e., 27 fixtures discharged simultaneously). Where the stack serves two water closets, two lavatories and two sinks on each floor, the test discharge is one water closet, one lavatory and two sinks simultaneously discharged on each floor (i.e., 36 fixtures discharged simultaneously). For the purpose of this test, baths are ignored as their use is spread over a period and consequently they do not add materially to the normal peak flow on which Table 1811.D.11 of this code is based. Where a stack serves baths only, the number to be discharged simultaneously in a discharge should be taken to be the same as for sinks.

b. All traps shall be fully charged and the appropriate combination of fixtures discharged simultaneously. Trap seals shall be measured at the end of the discharge. The worst conditions occur when fixtures on the upper floor are discharged. A reasonable test, therefore, would be to discharge up to one water closet, one lavatory and one sink from the top of the building, distributing any additional fixtures along the stack.

Number of fixtures of each kind on the stack	Water Closet	Wash Basin	Kitchen Sink	Misc. (ea. Type)
1-9	1	1	1	1
10-18	1	1	2	2
19-26	2	2	3	3
27-50	2	3	3	3
51-78	3	4	4	4
79-100	3	5	5	4

i. When the miscellaneous fixture is a washer drain, omit one sink from test for each washer drain, except when washers only are connected to the stack.

ii. For washing machine drains (no washers connected) test shall be conducted with hoses connected to both the hot and cold water supply out lets and with outlets fully opened. (This is in lieu of discharge from washers.) Test should be of 5 minutes duration, one-half of one cup of liquid detergent shall be dispensed into the washer drain pipe at approximately one-third cup per minute along with the water during the last 3 minutes of each test.

**E. Single Stack Plumbing System.**

1. Approval. The purpose of this Subsection is to make provisions for the design and installation of a single stack plumbing system which is not otherwise allowed in this code. In accord with Chapter 12 of this code, the plumbing official shall require that the owner submit necessary plans and specifications to the state health officer by a Louisiana Registered Professional Engineer registered in either civil or mechanical engineering. In general, single stack plumbing systems may be considered for approval by the state health officer for use on the upper floors of hotel and motel guest rooms but shall not be considered for condominium or apartment complexes.

2. Tests. Single stack plumbing systems shall be tested in accordance with §1205.C of this code.

3. Sovent Single Stack Plumbing System. Copper sovent systems shall be designed and installed in accordance with design criteria contained in the Copper Development Association (CDA) Handbook No. 402/0. Cast iron sovent systems shall be designed and installed in accordance with design criteria contained in ASSE 1043. Cast iron fittings shall meet ASME B16.45. Other materials shall meet standards and specifications listed in Table 703 of this code for drain, waste and vent pipe and fittings.

F. Appendix References. Additional provisions for Alternate Designed Plumbing Systems are contained in Figures 6 and 7 of Section 1807 of this code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2917 (November 2012).

**§1813. Metric Conversions**

A. For convenience, the following may be used to convert English units of measurement to Metric units of measurement.

Unit of Measure	STARTING WITH the English unit of measurement	MULTIPLY BY	TO GET the Metric unit of measurement
Length	inches	25.4	mm
	ft	0.3048	m
Area	sq in	645.16	mm <sup>2</sup>
	sq ft	0.0929	m <sup>2</sup>
Volume	cu in	0.01639	L
	cu ft	28.3169	L
	gal	3.785	L
Mass	lb	0.4536	kg
Mass/unit length	plf (lb/ft)	1.4882	kg/m
Mass/unit area	psf (lb/sq ft)	4.882	kg/m <sup>2</sup>
Mass density	pcf (lb/cu ft)	16.02	kg/m <sup>3</sup>
Force	lb	4.4482	N
Force/unit length	plf (lb/ft)	14.5939	N/m
Pressure	psi	6.895	kPa
	psf (lb/sq ft)	47.88	Pa
	in. of Hg @ 60°F	3.37685	kPa
stress, modulus of elasticity	psi	6.895	kPa
	psf (lb/sq ft)	47.88	Pa
Second moment of area	In <sup>4</sup>	416,231	Mm <sup>4</sup>
Section modulus	In <sup>3</sup>	16,387.064	mm <sup>3</sup>
Temperature	°F-32	5/9	°C
	°F + 459.67	5/9	K
Energy, work, quantity of heat	kWh	3.6	MJ
	Btu	1055	J
	ft • lb (force)	1.3558	J
Power	ton (refrig)	3.517	kW
	Btu/s	1.0543	kW
	hp (electric)	745.7	W
	Btu/h	0.2931	W
Thermal conductance (U value)	Btu/ft <sup>2</sup> • h • °F	5.6783	W/m <sup>2</sup> • K
Thermal resistance (R value)	Ft <sup>2</sup> • h • °F/Btu	0.1761	M <sup>2</sup> • K/W
Flow	gpm	0.0631	L/s
	cfm	0.4719	L/s
Illuminance	foot-candle (lm/sq ft)	10.76	lx (lux)
Velocity (speed)	mph	0.447	m/s
Plane angle	°(angle)	0.01745	rad



AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(7) and R.S. 40:5(2)(3)(7)(9)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2924 (November 2012).

**Part XVI. Campsites**

**Chapter 1. General**

**§101. Definitions**

[formerly paragraph 16:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the sanitary code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\* \* \*

*Travel Trailer*—a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than 320 square feet.

a. Self-Contained. Travel trailer having sleeping accommodations, kitchen sink, and other food preparation equipment, a water flushed or chemical toilet, lavatory and/or bathing facilities, and normally a sewage holding tank for retaining wastes.

b. Non Self-Contained. Travel trailer having sleeping accommodation usually kitchen facilities only and is dependent on a service building.

\* \* \*

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(4) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1386 (June 2002), repromulgated LR 29:1098 (July 2003), amended LR 38:2925 (November 2012).

**Part XVII. Public Buildings, Schools, and Other Institutions**

**Chapter 1. General Requirements for Public Buildings**

**§101. Definitions**

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

\* \* \*

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\* \* \*

B. - C. ...

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5(2)(3)(4)(5)(16)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 37:2165 (July 2011), amended LR 38:2925 (November 2012).

**§107. Drinking Water Provisions [formerly paragraph 17:001]**

A. ...

B. Drinking fountains shall be provided in public buildings and institutions in the quantities shown in Table 411 of the Louisiana State Plumbing Code (LSPC). Said drinking fountains shall be constructed and installed in accordance with the requirements of §415.C of the LSPC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5(2)(3)(4)(5)(16)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1390 (June 2002), amended LR 37:2166 (July 2011), amended LR 38:2925 (November 2012).

**§303. School Lunchrooms and Concession Stands [formerly paragraph 17:022]**

A. - B. ...

C. [Formerly paragraph 17:024] In all schools and in other special types of institutions with classrooms, hand-washing facilities (for student and staff use before eating) shall be readily accessible in a common area and shall not be further than 50 feet from the lunch room, dining area or cafeteria. Said facility shall be provided with hot and cold running water delivered via a mixing faucet(s) or a mixing valve at a water temperature not to exceed 120°F [utilizing an approved temperature control device(s) as required under LAC 51:XIV.623], soap, and disposable paper towels or mechanical hand-drying devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5(2)(3)(4)(5)(16)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1391 (June 2002), amended LR 37:2167 (July 2011), amended LR 38:2925 (November 2012).

**Part XVIII. Jails, Prisons and Other Institutions of Detention or Incarceration**

**Chapter 1. General Requirements**

**§101. Construction Requirements**

A. - I ...

J. [Formerly paragraph 18:010] When inmates are housed in dormitories, sanitary facilities, meeting the requirements of Part XIV shall be provided in accordance with the following.

Toilets	Urinals*	Lavatories	Bathing Facilities (Showers, Tubs, etc.)	Drinking Fountains
1 for each 20 male inmates	1-30 1 31-50 2 51-100 3 101-150 4 over 150	1 for each 16	**1 for 20	1 for 75
1 for each 14 female inmates	for each additional 50 inmates	Space between beds: min. of 28 inches vertically and horizontally for all new construction, renovation and replacement.		
1. *Only for facilities housing males. Trough urinals may be used as long as they meet the requirements of Part XIV.				
2. **The state health officer will consider written appeals based on unusual program schedules.				

K. - P. ...

**AUTHORITY NOTE:** The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 40:4(A)(10) and R.S. 40:5(2)(3)(4)(5)(7)(17)(19)(21).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1392 (June 2002), amended LR 38:2925 (November 2012).

**Part XXI. Day Care Centers and Residential Facilities**

**Chapter 1. General Requirements**

**§105. General**

**[formerly paragraph 21:002-1]**

A. - C.5. ...

a. In child day care facilities, toilets (water closets) and lavatories shall be provided in accordance with Table 411 of Part XIV. Fixtures shall be of size appropriate for the age of children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

b. Handwashing and bathing facilities shall be provided with hot and cold running water. Where such water will be in direct contact with children, the temperature shall not exceed 120°F utilizing an approved temperature control device(s) as required under LAC 51:XIV.623.

c. Residential facilities housing six residents or less may provide plumbing fixtures as a single family residence. All others must provide plumbing as required for dormitories in accordance with Table 411 of Part XIV.

D. - J. ...

**AUTHORITY NOTE:** Promulgated in accordance with the provisions of R.S. 40:4(A)(10) and R.S. 40:5.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1399 (June 2002), amended LR 37:2728 (September 2011), amended LR 38:2926 (November 2012).

**Part XXIII. Retail Food Establishments**

**Chapter 3. General Requirements**

**§301. Effective Date of Part**

A. - A.3. ...

a. Exception

i. When only a real property ownership change occurs, restroom plumbing fixture upgrades to meet the minimum plumbing fixture requirements contained in LAC 51:XIV.411 and LAC 51:XIV.Table 411 are not to be blindly enforced if the state health officer/Office of Public Health has assurances that the prior or existing business held a food permit (e.g., grocery store, restaurant, etc.) under this Part (LAC 51:XXIII) and the prospective new business owner agrees, in writing to the state health officer/Office of Public Health, to operate the business in exactly the same manner as the prior or existing business owner (e.g., parents sell a business to their children who will operate the business in exactly the same manner) and there have been no documented complaints, within the past 5 years, about:

- (a). a lack of toilet room fixtures;
- (b). urination in non-restroom fixtures or floor areas within the building; or,
- (c). urination on the outside of the building or the premises or adjoining lots or areas, etc.

b. The exception (see §301.A.3.a.) to the normal enforcement procedures (see §301.A.3) shall not be applicable when a serious health threat to the public exists.

4. - 5. ...

**AUTHORITY NOTE:** Promulgated in accordance with provisions of R.S. 40:4 and R.S. 40:5.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:315 (February 2002), amended LR 28:1409 (June 2002), LR 38:2926 (November 2012).

**Chapter 31. Plumbing**

**§3119. Minimum Plumbing Fixtures**

**Editor's Note:** These pre-existing regulations are being re-codified as LAC 51:XXIII.3119. These regulations can also be viewed in LAC 51:XIV.411.

A. Table 411 of Part XIV (LAC 51:XIV.Table 411) lists the minimum number of plumbing fixtures required for retail food service establishments under the following building or occupancy classifications:

- 1. retail stores;
- 2. restaurants/food service establishments; and,
- 3. clubs, lounges, and restaurants/food service establishments with club, or lounge.

B. The following serves to clarify the basic requirements and exceptions to Table 411 itself as may be applicable to retail food service establishments:

1. With the exception of retail stores associated with retail fuel stations and/or restaurant/food service establishments associated with retail fuel stations and retail stores that require 2 or more different food permits (see Paragraph 3 below), a single facility consisting of one water closet and one lavatory may be used by both males and females in the following occupancies subject to the building area limitations:

Occupancy	Total Building Area (sq ft)
Retail Store (within covered mall)	3500

Occupancy	Usable Floor Space (sq ft)
Restaurant/Food Service Establishment (excluding retail fuel stations)	500
Retail Store (excluding retail fuel stations)	1500*

\* A single facility [normally allowed under this Paragraph for a retail store occupancy (excluding retail fuel stations)] does not apply when the conditions of Subparagraph 3.a. below exist.

2. If alcoholic beverages are to be served, facilities shall be as required for clubs or lounges; however, this requirement shall not be construed to require a restaurant/food service establishment which serves alcoholic beverages and consists of 500 square feet or less of usable floor space to add any more toilet rooms than the minimum required pursuant to Paragraph 1 above (as long as such small restaurant/food service establishment does not have a wet bar and thus would not fall under the "Club, Lounge, and Restaurants/Food Service Establishments with Club, or Lounge" occupancy classification).

3.a. A retail store which requires two or more different food permits (e.g., Grocery Permit, Restaurant Permit, etc.) under this Part and has a combined usable floor space of more than 500 square feet shall be required to

provide no less than a minimum of two facilities consisting of one water closet and one lavatory each.

b. A retail store which requires two or more different food permits under this Part and has a combined usable floor space of 500 square feet or less shall be allowed to operate with a single facility consisting of one water closet and one lavatory used by both males and females. The allowance to operate with a single facility assumes that a wet bar is not located on the premises.

4. The drinking fountain requirement under the building or occupancy classifications listed in Subsection A above may be waived for certain food service establishments if drinking water is dispensed in an approved, sanitary manner in accord with the requirements of this Part. Minimally, the food service establishment facility shall hold a health permit from DHH-OPH which requires a 3 compartment sink and a hand wash lavatory in the food preparation area. Any food service establishment facility issued a health permit under the requirements of the this Part but not meeting the minimum sink/hand wash lavatory requirement [such as grocery store serving pre-packaged food items only (equivalent to a retail store)] shall install a publicly accessible drinking fountain(s) in accordance with the requirements of Table 411 of Part XIV.

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4 and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2926 (November 2012).

**Chapter 33. Garbage, Rubbish and Refuse**

**§3307. Cleaning and Storage**

[formally paragraph 22:23-4]

A. - C. ...

D. Liquid waste from the cleaning operation and from the leakage of garbage containers holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the state health officer that liquid wastes or putrescible wastes contain grease (or, for new establishments, will likely contain grease in the future), an approved grease trap, grease interceptor, or large capacity grease interceptor shall be installed in the waste line in accordance with LAC 51:XIV.1005.D.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with provisions of R.S. 40:4 and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:330 (February 2002), repromulgated LR 28:1424 (June 2002), amended LR 28:2533 (December 2002), LR 38:2927 (November 2012).

**Part XXIV. Swimming Pools and Natural or Semi-Artificial Swimming or Bathing Places**

**Chapter 1. General Requirements**

**§103. Definitions**

A. Unless otherwise specifically provided herein the following words or terms used in this Part of the sanitary code and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

*LSPC*—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV).

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(11) and R.S. 40:5(3)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1435 (June 2002), repromulgated LR 29:1100 (July 2003), amended LR 38:2927 (November 2012).

**Chapter 7. General Standards**

**§717. Ventilation**

A. ...

B. Every restroom, bathroom, water closet combination room, and toilet room, shall be provided with ventilation in accordance with §405.A of the Louisiana State Plumbing Code (LSPC).

C. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(11) and R.S. 40:5(3)(16)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1443 (June 2002), amended LR 38:2927 (November 2012).

Bruce D. Greenstein  
Secretary

1211#039

**RULE**

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

**Tuberculosis Control Program  
Required Medical Examinations (LAC 51:II.505)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, and based on the amendment and reenactment of R.S. 40:1156, amends Part II (The Control of Diseases) of the Louisiana State Sanitary Code (LAC 51). This Rule removes the requirement of a test for tuberculosis and a chest x-ray to detect pulmonary tuberculosis for those persons over 35 years of age admitted to nursing homes and residential facilities. This action is taken in accord with the latest recommendation (2011) by the United States Centers for Disease Control and Prevention (CDC). This Rule adds the requirement that the physician's complete history and physical examination of persons admitted to nursing homes and residential facilities include asking about and looking for symptoms and signs of pulmonary tuberculosis. A chest x-ray to detect pulmonary tuberculosis will be required for those persons of any age who have symptoms and signs of pulmonary tuberculosis and/or a positive test for tuberculosis. This Rule also changes the time requirement for that complete history and physical examination to be done from 30 days prior to 48 hours after admission, to from 30 days prior to 72 hours after admission, to account for persons admitted on the weekend having the required examination done on the following Monday.

**Title 51**

**PUBLIC HEALTH—SANITARY CODE**

**Part II. The Control of Diseases**

**Chapter 5. Health Examinations for Employees,  
Volunteers and Patients at Certain  
Medical Facilities**

**§505. Required Medical Examinations of All Persons  
Admitted to Nursing Homes and Residential  
Facilities**

**[formerly paragraph 2:026]**

A. Any person (adult or child) admitted to any nursing home or other residential facility shall have a complete history and physical examination, including symptoms and signs of pulmonary tuberculosis, by a licensed physician within 30 days prior to or up to 72 hours after admission, except that any resident/patient who has complied with this provision shall be exempt from re-examination if transferred to another residential facility provided the record of examination is transferred to the new facility. This examination shall include laboratory tests as indicated by the history and physical examination. A federal Food and Drug Administration approved screening test for tuberculosis, i.e. a purified protein derivative intradermal skin test for tuberculosis, five tuberculin unit strength, given by the mantoux method or a blood assay for Mycobacterium tuberculosis shall be given to all residents/patients. A chest X-ray shall be given to all residents/patients whose screening test for tuberculosis is positive, or who have signs and/or symptoms of tuberculosis no more than 30 days prior to admission to any nursing home or other residential facility. If the skin test or a blood assay for Mycobacterium tuberculosis is not done prior to admission, it may be done within 72 hours after admission and interpreted at the appropriate time. A repeat skin test or a blood assay for Mycobacterium tuberculosis is not required if the resident/patient has a chest x-ray with no abnormalities indicative of tuberculosis and has had a negative skin test or a blood assay for Mycobacterium tuberculosis approved by the United States Food and Drug Administration, documented within one year of admission or if the resident/patient has a previously documented positive skin test or a positive result of a blood assay for Mycobacterium tuberculosis and had a chest x-ray with no abnormalities indicative of tuberculosis. A record of the admission history, physical examination, purified protein derivative skin test for tuberculosis, five tuberculin unit strength, given by the Mantoux method, or a blood assay for Mycobacterium tuberculosis approved by the United States Food and Drug Administration, chest x-ray, and any other laboratory tests shall be a part of the permanent record of each resident/patient. No resident/patient with evidence of active tuberculosis shall be admitted unless the examining physician states that the resident/patient is on an effective drug regimen, is responding to treatment, and presents no imminent danger to other residents/patients or employees, or unless the facility has been specifically approved by the Office of Public Health and the Department of Health and Hospitals to house residents/patients with active tuberculosis. The approval by the Office of Public Health and the Department of Health and Hospitals will include the provision that the nursing home or residential facility has a designated isolation (negative pressure) room.

B. [formerly paragraph 2:026-1] Any resident/patient who is a case or an asymptomatic carrier of a communicable disease which may pose a serious risk to other residents/patients or employees shall not be admitted except under the supervision of the state health officer or his agent.

C. [formerly paragraph 2:027] When a suspicious case or carrier of a communicable disease poses a serious public health risk, appropriate measures shall be taken to prevent the disease from spreading to other residents/patients.

D. [formerly paragraph 2:028] Any child under 18 years of age in any residential facility in the state shall have an annual examination by a licensed physician to determine the child's physical condition, mental condition and the presence of any indication of hereditary or other constitutional disease. Any deformity or abnormal condition found upon examination shall be entered by the physician on the medical record of the child.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1220 (June 2002), amended LR 33:94 (January 2007), LR 38:2928 (November 2012).

Bruce Greenstein  
Secretary

1211#037

**RULE**

**Department of Health and Hospitals  
Office of Public Health  
Bureau of Emergency Medical Services**

Emergency Medical Services  
Automated External Defibrillators  
(LAC 48:1.6101, 6103, and 6105)

Under the authority of the Department of Health and Hospitals R.S. 40:1236.11 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Bureau of Emergency Medical Services, establishes procedures to provide direction for possession, training, testing, notification requirements, manufacturers responsibility, maintenance, and use of automated external defibrillators. These activities will also become an unfunded mandate to EMS.

**Title 48**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 61. Automated External Defibrillators**

**§6101. Definitions**

A. The Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services (BEMS) in the exercise of its regulatory authority has adopted the following meaning for the following terms.

*Athletic Department*—high schools, the division or department of an institution of higher education, including college, university, or community college, which schedules and compete in interscholastic athletics and intercollegiate athletics.

*Automated External Defibrillator (AED)* (as defined under R.S. 40:1236.12)—a medical device heart monitor and defibrillator that:

a. has received approval of its pre-market notification filed pursuant to 21 U.S.C. 360(k) from the United States Food and Drug Administration;

b. is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining whether defibrillation should be performed;

c. upon determining that defibrillation should be performed, the AED automatically charges and delivers an electrical impulse to an individual's heart;

d. is capable of delivering the electrical impulse to an individual's heart;

e. pediatric AED capabilities are required.

*Bureau*—the Department of Health and Hospitals, Office of Public Health, BEMS.

*Cardiopulmonary Resuscitation (CPR)*—the process of ventilating and circulating blood for a patient in cardiopulmonary arrest usually in combination mouth to mouth with external chest compressions.

*Certification*—adult and pediatric CPR and AED users must be certified after successful completion of an adult and pediatric CPR and AED course recognized by a nationally recognized organization or association such as American Heart Association, American Red Cross, National Safety Council and Emergency Medical Physicians of America, which certification must be updated before the expiration listed on the certificate.

*Emergency Care*—the occurrence of a sudden, serious and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care.

*Expected AED Users*—any person designated by the possessor to render emergency care.

*Health Club*—a physical fitness facility emphasizing exercise to achieve physical fitness, or weight loss.

*Physical Fitness Facility*—a facility for profit or nonprofit with a membership of over 50 persons that offers physical fitness services. This term includes but is not limited to clubs, gymnasium, studios, health spas, weight control centers, clinics, figure salons, tanning centers, athletic or sport clubs, and YWCA and YMCA organizations. It shall not include a business limited solely to the practice of physical therapy, as defined in R.S. 37:2401, by a therapist licensed by the Louisiana State Board of Medical Examiners, nor shall it apply to medically related services performed by a physician licensed by the Louisiana State Board of Medical Examiners in a private office, clinic, or hospital. It shall also not include a tanning salon, which does not have a membership of over 50 persons and does not offer physical fitness services, and is not inside, adjacent to or connected with a physical fitness facility.

*Physical Fitness Services*—services for the development of physical fitness through exercise or weight control.

*Physical Fitness Center*—any person or organization which, for profit or nonprofit, offers physical fitness services, whether at multiple outlets or single outlet. Any

subsidiary of a center offering such services shall be deemed part of said center.

*Possessor*—any person, service, business, industry, physical fitness facility, institution of higher learning participating in intercollegiate sport, or security vehicle possessing an AED.

*Premises*—physical fitness facility or possessor, a distinct and definite locality, and may mean a room, shop, building, field or other definite area.

*Sudden Cardiac Arrest*—a medical emergency where expected person is unconscious, not breathing and has no pulse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1236.11.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2928 (November 2012).

### **§6103. General Provisions**

#### **A. Possessor's Program**

##### **1. Possessor's Responsibility and Requirements**

a. The AED is maintained and tested according to the manufacturer's guidelines; in accordance with state and federal rules and polices, including review of product warranty expirations for AED machine, pads and batteries.

b. A licensed physician or advanced practice nurse in the state of Louisiana who is authorized to prescribe in the state of Louisiana is involved in the possessor's program to ensure compliance with the requirements for training, emergency medical service (EMS) notification, and maintenance.

c. Expected AED users regularly, on the premises of a particular entity, such as a work site or users, who carry an AED in a private security patrol vehicle, receive appropriate training in CPR and in the use of an AED by the AHA or by any other nationally recognized course in CPR and AED use.

i. For purposes of this Paragraph, "expected AED users" shall be any person designated by the possessor to render emergency care.

d. The EMS system is activated as soon as possible when an individual renders emergency care to an individual in cardiac arrest by using CPR or an AED.

e. Any clinical use of the AED is reported to the licensed physician or advanced practice registered nurse involved in the possessor's program and BEMS, using the cardiac arrest profile/data collection form obtained from the BEMS office. A determination by the licensed physician or advanced practice registered nurse, whether or not the patient was treated in accordance with the pre-established protocol. A copy of the cardiac arrest profile/data collection form should be mailed

2. Any person or entity which possesses an AED shall notify BEMS and a local provider of emergency medical services, such as 911 service, local ambulance service, or the fire department of the acquisition, location and type of AED.

3. Any manufacturer, wholesale supplier, or retailer of an AED shall notify purchasers of AED's intended for use in the state of Louisiana of the requirements of R.S. 40:1236.13.

4. The owner of or the entity responsible for a physical fitness facility or fitness centers, shall keep an AED on its premises.

5. Any institution of higher education that competes in intercollegiate athletics shall have an AED on its premises in its athletic department, with posters approved by AHA/ARC on how to safely perform CPR and use the AED. The AED is to be placed in open view within two feet of a telephone to be able to access 911 in department and placed with easy access to coaches and athletic where games are to be completed.

a. Each high school that participates in interscholastic athletics shall have an AED on its premises, if funding is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1236.11.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2929 (November 2012).

### **§6105. Regulations and Reports**

#### **A. Regulate/Self Report**

1. Compliance of notification upon prescribing AED by completion, signing, and submission of BEMS automated external defibrillator acquisition notification form, to the BEMS office and notification to local provider of emergency services of BEMS notification information.

2. A written CPR/AED Protocol or Plan must exist for use in a sudden cardiac arrest (SCA) occurring at a physical fitness facility and file a copy of this protocol/plan with BEMS.

3. Every event in which an AED is placed on a person, the use must be reported to BEMS on the cardiac arrest profile/data collection form and reviewed by the medical oversight of possessor, in accordance with the AED protocol/plan and further determine if the AED protocol/plan should be modified. The review of use by medical oversight shall be privileged and confidential.

#### **B. Non-Complying Provisions/Failure to Report**

1. BEMS shall inspect the premises in response to a complaint which specifies the name, address and telephone number of the alleged violator filed with BEMS alleging a violation of R.S. 40:1236. BEMS may inspect facilities or premises at other times to ensure compliance with this Rule.

##### **a. Penalties for violations:**

i. if an AED possessor, inclusive of physical fitness facility, and/or athletic department violates this rule by failing to have on the premises an accessible and operational AED, or certified AED user, and to adopt or implement a plan for responding to medical emergencies then the following penalties will be assessed per violation. BEMS or its designee may issue to the facility a written administrative warning without monetary penalty for the initial violation with a 30 day notice to comply with corrective measures from date of violation;

ii. at least \$100 but less than \$150 for a second violation;

iii. at least \$150 but less than \$200 for a third or subsequent violation.

(a). After a third violation against the facility, BEMS or its designee may report violations to the Louisiana attorney general's office or governing authorities for prosecution or further warning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1236.11.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Bureau of Emergency Medical Services, LR 38:2930 (November 2012).

Bruce D. Greenstein  
Secretary

1211#036

## **RULE**

### **Department of Natural Resources Office of Conservation**

Fees (LAC 43:XIX.701, 703, and 707)

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, the Office of Conservation amends LAC 43:XIX.701, 703, and 707 (Statewide Order No. 29-R) in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The action will adopt Statewide Order No. 29-R-12/13 (LAC 43:XIX, Subpart 2, Chapter 7), which establishes the annual Office of conservation fee schedule for the collection of application, production, and regulatory fees, and will replace the existing Statewide Order No. 29-R-11/12.

#### **Title 43**

#### **NATURAL RESOURCES**

#### **Part XIX. Office of Conservation—General Operations Subpart 2. Statewide Order No. 29-R**

#### **Chapter 7. Fees**

#### **§701. Definitions**

\* \* \*

*BOE*—annual barrels oil equivalent. Gas production is converted to BOE by dividing annual mcf by a factor of 19.0.

*Capable Gas*—natural and casing head gas not classified as incapable gas well gas or incapable oil well gas by the Department of Revenue, as of December 31, 2011.

*Capable Oil*—crude oil and condensate not classified as incapable oil or stripper oil by the Department of Revenue, as of December 31, 2011.

\* \* \*

*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, LAC 43:XIX.137.G or successor regulations), multiply completed wells reverted to a single completion, and stripper oil wells or incapable oil wells or incapable gas wells certified by the Severance Tax Section of the Department of Revenue, as of December 31, 2011.

*Regulatory Fee*—an amount payable annually to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, on Class II wells, Class III wells, storage wells, Type A facilities, and Type B facilities in an amount not to exceed \$875,000 for Fiscal Year 2000-2001

and thereafter. No fee shall be imposed on a Class II well of an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47.633 by the Severance Tax Section of the Department of Revenue as of December 31, 2011, and located in the same field as such Class II well. Operators of Record, excluding operators of wells and including, but not limited to, operators of 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 \$105. Such payment is due within the time frame prescribed by the Office of Conservation.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:542 (August 1988), amended LR 15:551 (July 1989), LR 21:1249 (November 1995), LR 24:458 (March 1998), LR 24:2127 (November 1998), LR 25:1873 (October 1999), LR 26:2302 (October 2000), LR 27:1919 (November 2001), LR 28:2366 (November 2002), LR 29:2499 (November 2003), LR 31:2950 (November 2005), LR 32:2087 (November 2006), LR 33:2462 (November 2007), LR 34:2404 (November 2008), LR 35:2463 (November 2009), LR36:2567(November 2010), LR37:3271 (November 2011): LR38 (November 2012), LR 38:2930 (November 2012).

**§703. Fee Schedule for Fiscal Year 2012-2013**

A. ...

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**B. Regulatory Fees**

1. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of \$6,220 per facility.

2. Operators of each permitted Type B Facility are required to pay an annual Regulatory Fee of \$3,110 per facility.

3. Operators of record of permitted non-commercial Class II injection/disposal wells are required to pay \$627 per well.

4. Operators of record of permitted Class III and Storage wells are required to pay \$627 per well.

C. Class I Well Fees. Operators of permitted Class I wells are required to pay \$10,810 per well.

D. Production Fees. Operators of record of capable oil wells and capable gas wells are required to pay according to the following annual production fee tiers.

Tier	Annual Production (Barrel Oil Equivalent)	Fee (\$ per Well)
Tier 1	0	13
Tier 2	1 - 5,000	70
Tier 3	5,001 - 15,000	199
Tier 4	15,001 - 30,000	332
Tier 5	30,001 - 60,000	523
Tier 6	60,001 - 110,000	726
Tier 7	110,001 - 9,999,999	897

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq., R.S. 30:560 and 706.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:543 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:458 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1920 (November 2001), LR 28:2368 (November 2002), LR 29:350 (March 2003), LR 29:2501 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005), LR 32:2088 (November 2006), LR 33:2462 (November 2007), LR 34: 2404 (November 2008), LR 35:2463 (November 2009), LR36:2567(November 2010), LR37: 3271 (November 2011): LR38 (November 2012), LR 38:2931 (November 2012).

**§705. Failure to Comply**

A. Operators of operations and activities defined in §701 are required to timely comply with this Order. Failure to comply by the due date of any required fee payment will subject the operator to civil penalties provided in Title 30 of the Louisiana Revised Statutes of 1950, including but not limited to R.S. 30:18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:2501 (November 2003), LR 34:2406 (November 2008), LR 36:2569 (November 2010), LR 37:3274 (November 2011), LR 38:2931 (November 2012).

**§707. Severability and Effective Date**

A. The fees set forth in §703 are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order No. 29-R-12/13 and if any such individual fee is held to be unacceptable, pursuant to R.S. 49:968(H)(2), or held to be 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.

B. This Order (Statewide Order No. 29-R-12/13) supersedes Statewide Order No. 29-R-11/12 and any amendments thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2305 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:2502 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005), LR 32:2088 (November 2006), LR 33:2462 (November 2007), LR 34: 2404(November 2008), LR 35:2463 (November 2009), LR36: 2567(November 2010), LR37:3271 (November 2011), LR 38:2931 (November 2012).

James H. Welsh  
Commissioner

1211#035

**RULE**

**Department of Natural Resources  
Office of Conservation**

**Notification and Confirmation of New Water Well  
Construction (LAC 43:VI.701 and LAC 56:I.323)**

The Department of Natural Resources, Office of Conservation has amended LAC 43:VI.701 and LAC 56:I.323 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The amendment is in response to recommendations from the Louisiana Ground Water Resources Commission in the report entitled "Managing Louisiana's Groundwater Resources" delivered to the Louisiana Legislature on March 12, 2012 and in an effort to achieve 100 percent compliance with water well notification and agency evaluation requirements for proposed well installation for non-exempt well uses, such as, but not limited to, irrigation, public supply and industrial purposes. The amendment will ensure that water well pre-installation notification agency evaluation has been performed and an appropriate agency response has been issued to the well owner prior to engaging in well construction operations.

**Title 43**

**NATURAL RESOURCES**

**Part VI. Water Resources Management**

**Subpart 1. Ground Water Management**

**Chapter 7. Water Well Notification Requirements in  
Non-Critical Ground Water Areas**

**§701. Applicability**

A. - B. ...

1. prior to the commencement of any construction on a new water well, the drilling contractor shall confirm that the Office of Conservation has received and responded to water well installation notification as required in Subsection B of this Section.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), amended LR 35:252 (February 2009), LR 37:2410 (August 2011), LR 38:2932 (November 2012).

**Title 56**

**PUBLIC WORKS**

**Part I. Water Wells**

**Chapter 3. Water Well Construction**

**§323. Drilling and Construction**

A. - C. ...

1. prior to the commencement of any construction on a new water well, the drilling contractor shall confirm that the office of conservation has received and responded to water well installation notification as required in LAC 43:VI.701.B;

2. record the hole diameter and any changes in size of hole;

3. record (driller's log) the depth and thickness of the formations penetrated;

4. record any unusual occurrences, such as loss of circulation, cave-ins, etc. (In the event the unusual

occurrence is observable evidence of naturally occurring methane gas, natural gas or similar sub-surface gas, such as bubbling drilling mud or gas venting at the well bore or other nearby surface location or feature, the contractor shall report such event verbally to the Environmental Division of the Office of Conservation within 24 hours.); and

5. collect representative samples (drill cuttings) from each potential aquifer.

D. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:954 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3528 (December 2011), LR 38:2932 (November 2012).

James H. Welsh  
Commissioner

1211#003

**RULE**

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

**Judicial Agency Referral Residential Facilities  
(LAC 22:I.1301 and 1303)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of LAC 22:I.1301, Judicial Agency Referral Residential Facilities and LAC 22:I.1303, Standard Operating Procedures.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part I. Corrections**

**Chapter 13. Residential Referral**

**Subchapter A. General Provisions**

**§1301. Judicial Agency Referral Residential Facilities**

A. Purpose—to state the secretary's rules relative to the housing or temporary residence of individuals who have been arrested for the commission of a crime and are referred by any judicial agency to a certified residential facility and to provide for the construction, standards of operation and services provided by such residential facilities. Further, certified judicial agency referral residential facilities shall also be available for use by the Division of Probation and Parole to house offenders under supervision by the Division of Probation and Parole. Such offenders who are probationers shall be accountable to the applicable court and those who are parolees shall be accountable to the Committee on Parole.

B. Applicability—deputy secretary, undersecretary, chief of operations, assistant secretary, director of probation and parole, chairman of the Committee on Parole and administrators of housing or temporary residential facilities.



The chief of operations is responsible for the overall implementation, compliance and review of this regulation. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. No facility not otherwise required to be licensed by the Department of Health and Hospitals or Department of Children and Family Services, shall provide housing or temporary residence to any individual referred by a judicial agency, the court or the Committee on Parole except in accordance with this regulation. Referrals to such facilities by a judicial agency, the court or the Committee on Parole may only be made after the facility has been inspected by the Department of Public Safety and Corrections and certified to be in compliance with the standard operating procedures established pursuant to this regulation.

#### D. Procedures

1. The facility shall comply with all building codes, local zoning requirements and ordinances with regard to permits and licenses.

2. The state fire marshal and state health officer shall determine rated bed capacity and approval for occupancy.

3. The facility shall comply with the standard operating procedures (SOP) for judicial agency referral residential facilities. Revisions to the SOP shall be accomplished through this regulation under the signature of the secretary.

4. The facility shall be accredited by the American Correctional Association within 24 months of opening and shall maintain accreditation at all times thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:666 (April 2007), amended LR 37:1408 (May 2011), LR 38:2932 (November 2012).

### **Subchapter B. Standard Operating Procedures for Judicial Agency Referral Residential Facilities**

#### **§1303. Standard Operating Procedures**

A. - M.2.b. ...

#### N. Probation and Parole Referrals

1. All judicial agency referral residential facilities receiving offenders referred by the Division of Probation and Parole shall be accountable to the judicial courts for probationers and the Committee on Parole for parolees. At the time of referral, the facility shall be provided with the information necessary to ensure the offender is advised of the required conditions of supervision, including monetary obligations to which the facility will be held accountable. The facility shall aid in providing the services necessary for the offender to continue the conditions of supervision and to ensure the monetary obligations are followed and met. The facility shall also be provided with the offender's medical summary (including the date of the offender's last TB test), if available. The facility's health care administrator shall review the summary and determine if the offender is medically suitable for participation in the program.

2. Should the facility be unable to provide the offender with adequate support necessary for the offender to fulfill the required conditions of supervision ordered by the court/Committee on Parole and the monetary obligations to

the facility, the facility shall notify the appropriate probation and parole district office immediately and in writing, detailing the issues relating to either the inability on the part of the offender or the facility to fulfill the conditions of supervision. Probation and parole shall notify the court/Committee on Parole in order that a decision can be made regarding the offender's compliance with the ordered conditions and continuation in the program.

3. The appropriate probation and parole district office shall monitor the progress of offenders in the facility to ensure their safety and well being. Probation and parole staff shall be allowed to have access to the facility in order to interview offenders at all times, including nights and weekends. All such visits shall be logged in a logbook dedicated specifically for probation and parole monitoring visits and shall include the date, time in, time out and the offenders interviewed. Any specific concerns discovered during the contact should be discussed with the facility director.

4. Within 14 days of admission, the facility shall provide the appropriate probation and parole district office with each offender's personalized program plan, which shall address all conditions of probation or parole. The facility shall also provide the appropriate probation and parole district office with any changes or updates to the offender's personalized program plan. The facility shall ensure that an estimated date for completion of the program is included in all personalized program plans. Additionally, the facility shall provide written documentation of an offender's progress with their personalized program plan to the appropriate probation and parole district office every 30 days or upon request.

5. In reference to employment, all probationers and parolees must maintain employment while in the program. Probationers and parolees must be employed as soon as possible. Should an offender remain unemployed longer than 45 days of entering the program or be terminated by their employer, the appropriate probation and parole district office shall be notified. Probation and parole staff shall have the ability to speak with employers regarding offender progress and also meet with offenders at their job site if necessary. However, the visit should be unobtrusive to the work flow of the employer's operations.

6. No probationer or parolee shall be allowed to travel out of the state of Louisiana without the written consent of the offender's probation and parole officer. Offenders residing off facility grounds shall be contacted by facility staff daily. The contact must be face-to-face and be conducted at the location where the offender is residing.

7. The facility is responsible for all travel by an offender to and from the facility. All offenders shall be required to make all court appearances as ordered by the court/Committee on Parole. Appropriate written notification of such appearances shall be furnished to the facility within two weeks of the scheduled appearance or when the probation and parole officer becomes aware of the hearing. The facility shall be responsible for transporting the offender for court/Committee on Parole appearances.

8. The maximum amount of time a parolee can reside in a facility is six months, unless a longer period is approved by the Committee on Parole. The maximum amount of time a probationer can reside in a facility is one year, unless a

longer period is approved by the court. These time periods shall begin the first day the offender physically arrives at the facility.

9. The appropriate probation and parole district office shall be notified immediately of any unusual incident involving a probationer or parolee, including but not limited to, an arrest, an escape, an injury or removal from the program for rule violations. In addition, the appropriate law enforcement agency shall be notified immediately of any escapes or other criminal activity by an offender under probation and parole's supervision.

10. Prior to an offender being released, the appropriate probation and parole district office shall be notified of the release date in writing. The facility shall advise the offender to report to the assigned probation and parole officer within 48 hours after release. The facility must obtain an updated address and telephone number from the offender prior to release and provide this current information to the probation and parole officer. The offender should never be released without an address. If the offender should be unable to give a current residence address, the appropriate probation and parole district office shall be notified immediately.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 37:1408 (May 2011), amended LR 38:2933 (November 2012).

James M. LeBlanc  
Secretary

1211#051

## RULE

### Department of Public Safety and Corrections Corrections Services

Louisiana Risk Review Panel (LAC 22:I.107)

The Department of Public Safety and Corrections, Corrections Services, in accordance with R.S. 36:404, hereby repeals LAC 22:I.107, Louisiana Risk Review Panel in its entirety. This repeal is due to Act 123 of the 2012 Regular Session.

#### Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 1. Secretary's Office

#### §107. Louisiana Risk Review Panel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 28:94 (January 2002), amended LR 29:2847 (December 2003), LR 32:1069 (June 2006), repromulgated LR 32:1247 (July 2006), amended LR 36:528 (March 2010), repealed LR 38:2934 (November 2012).

James M. Le Blanc  
Secretary

1211#050

## RULE

### Department of Public Safety and Corrections Gaming Control Board

Electronic Submission of Documents  
(LAC 42:III.111, 401, 402, and 403; and  
XI.2403, 2405, 2407, 2409, 2417 and 2424)

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 it has adopted LAC 42:III.401, 402, 403 and amends LAC 42:III.111 and 42:XI.2403, 2405, 2407, 2409, 2417 and 2424.

#### Title 42

### LOUISIANA GAMING

#### Part III. Gaming Control Board

#### Chapter 1. General Provisions

#### §111. Delivery of Documents

A. All applications, notices and any other written communication or documentation required to be furnished to the board or division by any statutory provision, regulation or rule, shall be submitted by U.S. mail, commercial carrier, electronic submission, hand delivery, or other board approved method of delivery.

B. Documentation delivered by any means other than as provided in Subsection A of this Section shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1321 (October 1997), amended LR 38:2934 (November 2012).

#### Chapter 4. Electronic Submission of Documents

#### §401. General

A. The board or division may accept the filing or delivery of any document as an original document by electronic transmission in accordance with the provisions of this Chapter.

B. An electronic document bearing an electronic signature legally binds, obligates and makes the signatory responsible to the same extent as the signatory's handwritten signature on a paper document.

C. Any document required to be subscribed or acknowledged before a notary public shall not be submitted electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:2934 (November 2012).

#### §402. Definitions

A. As used in this Chapter, the following words and terms shall have the following meanings.

*Electronic Document*—any document stored in a computer accessible electronic, magnetic, optical or other format which allows for future retrieval or electronic transmission by e-mail or the internet.

*Electronic Signature*—an electronic sound, symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

*Subscriber*—an applicant, permittee, casino operator or licensee who has submitted a subscriber agreement to the board or division and has received authorization to submit electronic documents.

*Subscriber Agreement*—an agreement by which a subscriber consents to be bound by the contents of the electronically submitted documents and consents to abide by the processes and procedures established for the submission and acceptance of electronic documents.

*User*—a person identified to the board or division by a subscriber as being authorized to submit electronic documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:2934 (November 2012).

### **§403. Electronic Submission Procedure**

A. Written communications or documentation, including applications, may be submitted to the board or division electronically, provided that:

1. the sender has executed a proper subscriber agreement in accordance with the procedures established by the board or division;

2. the sender transmits the electronic document to an electronic document receiving system designated by the board or division for receiving such submissions in accordance with the system requirements established for submission;

3. the electronic document is a true and accurate digital copy of the original document; and

4. the electronic document bears a valid electronic signature.

B. Nothing in this Chapter limits the use of an electronic document or information derived from an electronic document as evidence in enforcement or other legal or administrative proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:2935 (November 2012).

## **Part XI. Video Poker**

### **Chapter 24. Video Draw Poker**

#### **§2403. Definitions**

A. ...

\* \* \*

*Notify or Notification*—the act of providing notice of an event through written communication, including electronic transmission, as required by these rules.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:266 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 32:108 (January 2006), LR 36:2045 (September 2010), LR 38:2935 (November 2012).

#### **§2405. Application and License**

A.1. All applications for a license shall be submitted on forms provided by the division.

2. An application is not complete nor is it considered filed with the division unless it is submitted with the required fee, is signed by the applicant, and contains all information required by the division.

3. All new and renewal applications shall be submitted to the division by the United States Postal Service certified or registered mail, return receipt requested, private or commercial interstate carrier, electronic submission in accordance with Chapter 4 of Part III of this Title, hand delivery or other board approved method of delivery.

4. - 9. ...

10. All applications shall contain a certification signed by a duly authorized representative of the applicant wherein the applicant certifies that:

a. the information contained therein is true and correct;

b. the applicant has read the Act and these rules, and any other informational materials supplied by the division that pertain to video gaming; and

c. the applicant agrees to comply with these rules and the Act.

11. All applications shall contain an email address, a telephone number and permanent mailing address for receipt of correspondence and service of documents by the division.

12. ...

13. The applicant shall notify the division in an electronic document or in writing of all changes of address, phone numbers, personnel, and other required information in the application within 10 business days of the effective date of the change.

A.14. - B.4.b. ...

5. All nonrefundable fees required for initial and renewal applications and any administrative fines or penalties shall be made payable to the Department of Public Safety and Corrections and remitted to the division in accordance with these rules.

B.6. - C.2. ...

#### **D. Change of Ownership of Licensed Establishment**

1. If a change in ownership of a licensed establishment occurs, the division shall be notified, in an electronic document or in writing within five days, of the act of sale or transfer.

2. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:362 (March 2003), LR 30:267 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 34:1037 (June 2008), LR 35:82 (January 2009), repromulgated LR 35:490 (March 2009), amended LR 36:2045 (September 2010), LR 38:2935 (November 2012).

**§2407. Operation of Video Draw Poker Devices**

A. - B.2. ...

3. All video draw poker employee applications must be submitted on forms prescribed by the Louisiana Gaming Control Board.

a. All applications shall be submitted to the division by the United States Postal Service certified or registered mail, return receipt requested, commercial interstate carrier, electronic submission in accordance with Chapter 4 of Part III of this Title, hand delivery or other board approved method of delivery.

b. All applications shall contain an email address, a telephone number and permanent address for receipt of correspondence and service of documents by the division.

3.c. - 4. ...

5. All video draw poker employees or applicants shall notify the division in an electronic document or in writing of all changes of address, phone numbers, and other required information in the application within 10 calendar days of the effective date of the change.

C.6. - D.16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001), LR 30:267 (February 2004), repromulgated LR 30:441 (March 2004), amended LR 33:857 (May 2007), LR 36:2046 (September 2010), LR 36:2874 (December 2010), LR 38:2936 (November 2012).

**§2409. Revenues**

A. License Fees

1. A nonrefundable annual fee as listed below shall be paid by each applicant:

- a. manufacturer, as provided in R.S. 27:29.1;
- b. distributor, as provided in R.S. 27:435;
- c. service entity, as provided in R.S. 27:435;
- d. device owner, as provided in R.S. 27:435; and
- e. licensed establishment, as provided in 27:435.

2. All required license fees shall be submitted with the initial and renewal application.

3. All licensees shall pay their license fee(s) for the year in a single payment.

4. All license fees shall be paid by personal, company, certified or cashier's check, money order, electronic funds transfer or other form of electronic payment. If a payment is denied or returned for insufficient funds, the applicant's license shall not be issued.

B. - E.2.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:268 (February 2004), repromulgated LR 30:442 (March 2004), amended LR 38:2936 (November 2012).

**§2417. Code of Conduct of Licensees and Permittees**

A. - B.4. ...

5. A licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report, disclosure, application, permit form, electronic document, or any other document, including improperly notarized or certified documents, required by these rules or the Act.

C. - C.1.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq., R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:197 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:59 (January 2001), LR 30:270 (February 2004), repromulgated LR 30:447 (March 2004), amended LR 38:2936 (November 2012).

**§2424. Enforcement Actions of the Board**

A. - C. ...

D. All civil penalties shall be paid by personal, company, certified or cashier's check, money order, electronic funds transfer or other form of electronic payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Louisiana Gaming Control Board, LR 36:2874 (December 2010), amended LR 38:2936 (November 2012).

Dale A. Hall  
Chairman

1211#071

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

**Record Preparation Fees (LAC 42:III.109)**

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 it has repealed LAC 42:III.109.

**Title 42**

**LOUISIANA GAMING**

**Part III. Gaming Control Board**

**Chapter 1. General Provisions**

**§109. Record Preparation Fees**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:304 (March 1997), repealed LR 38:2936 (November 2012).

Dale A. Hall  
Chairman

1211#072

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Operator Qualifications (LAC 55:I.503)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of State Police hereby amends Section 503 under Chapter 5 to amend the qualifications for individuals to conduct breath analysis to remove the requirement that they be a resident of the state of Louisiana at the time of the application. The Rule amends the qualifications to require the operator be a POST-certified law enforcement officer, which is not currently a requirement. The Rule also implements the language to allow for training from the Intoxilyzer 9000 manual or course.

**Title 55**

**PUBLIC SAFETY**

**Part I. State Police**

**Chapter 5. Breath and Blood Alcohol Analysis  
Methods and Techniques**

**§503. Operator Qualifications**

A. At the time of application for certification as an operator, an individual must:

1. be an employee of a Louisiana or federal law enforcement agency;
2. have successfully completed training established by and be certified by the Peace Officers Standards and Training Council (POST) or the Federal Law Enforcement Training Center (FLETC);
3. be at least 18 years of age;
4. be a high school graduate or satisfactorily pass the general education development (GED) test or an equivalent or higher educational background;
5. attain a score of 75 percent or better on a 16-hour operator's training course conducted by the applied technology unit. Course material to be covered will be taken from the *Chemical Test for Intoxication Training Manual* and/or the *Training Manual for the Intoxilyzer 5000* and/or *Training Manual for the Intoxilyzer 9000*. However, if an individual has already successfully completed a training course in chemical testing the individual may attend a specified course in the operation of the Intoxilyzer 5000 or Intoxilyzer 9000. To successfully complete the 16-hour training course and be certified to conduct breath analysis, the individual must:

- a. obtain a 75 percent score on the written examination covering course material;
- b. obtain a 75 percent score on the actual operation of the instrument and practical examination (running of an unknown alcohol solution). Both the written and the practical examination will be made up by the instructors of the Applied Technology Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390 (October 1978), amended LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:256 (March 1985), LR 14:362 (June 1998),

repromulgated LR 14:442 (July 1998), amended LR 17:672 (July 1991), repromulgated LR 17:796 (August 1991), amended LR 27:1929 (November 2001), LR 32:1906 (October 2006), LR 38:2937 (November 2012).

Jill Boudreaux  
Undersecretary

1211#041

**RULE**

**Department of Revenue  
Office of Alcohol and Tobacco Control**

Regulation III—Prohibitive Acts—Vending Machines  
(LAC 55:VII.305)

Under the authority of R.S. 26:90 and R.S. 26:286 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55:VII.305 relative to prohibitive acts on or about the licensed premises of alcoholic beverage retail dealers.

This amendment to the above-referenced Rule is offered under authority delegated by and at the direction of the Louisiana Legislature in its amendment and re-enactment of R.S. 26:90 and R.S. 26:286 through Act 764 of the 2012 Regular Session to promulgate rules relative to the sale, dispensing, or distribution of beverages of high and low alcoholic beverage content in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument in class A establishments to provide procedures for the prevention of access to such machines by underage or intoxicated persons.

**Title 55**

**PUBLIC SAFETY**

**Part VII. Alcohol and Tobacco Control**

**Chapter 3. Liquor Credit Regulations**

**§305. Regulation III—Prohibitive Acts**

A. - D.1. ...

2. Violation of Subsection D subjects the retail dealer to penalties provided in R.S. 26:96 and/or R.S. 26:292, including but not limited to suspension or revocation of his permit and penalty provisions in R.S. 26:171.

E. No retailer may allow the sale, dispensing, or distribution of beverages of high or low alcoholic content in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument except in class A establishments and subject to the following.

1. All state laws regulating retail establishments, including but not limited to, the legal drinking age, service to intoxicated persons, etc. apply and it is the responsibility of the retail dealer to ensure that his business is at all times compliant with all applicable laws and regulations. Violation of any such laws or regulations on the licensed premises will subject the retail dealer to penalties provided in R.S. 26:96 and/or R.S. 26:292, including but not limited to suspension or revocation of his permit and penalty provisions in R.S. 171.

2. All automatic mechanical vending machines are located in a facility where at least one employee is on duty during all hours of operation.

3. All automatic mechanical vending machines are located such that they are within the unobstructed line of sight and within 25 feet of at least one employee during all hours of operation.

4. All patrons must submit to an employee of the retail dealer a valid driver's license, selective service card, or other lawful identification which on its face establishes the age of the person as 21 years or older and there is no reason to doubt the authenticity and correctness of the identification prior to approaching any automatic mechanical vending machine containing alcoholic beverages of high or low alcoholic content.

5. All automatic vending machines must be under functioning video surveillance during all hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:90 and R.S. 26:286.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Office of Alcoholic Beverage Control, 1968, amended in 1973, filed at the Office of the State Register, 1974, amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 31:2034 (August 2005), LR 31:2035 (August 2005), LR 38:2937 (November 2012).

Troy Hebert  
Commissioner

1211#063

## RULE

### Department of Revenue Office of Alcohol and Tobacco Control

#### Regulation VII—Procedures Determined for Issuing Permits (LAC 55:VII.315)

In accordance with R.S. 26:71.1(1)(h) and 271.2(1)(h) and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55:VII.315 to repeal current regulations relative to public restroom requirements in class A-general establishments.

This amendment to the above-referenced Rule is offered to comply with provisions of Act 287 of the 2012 Regular Session of the Louisiana Legislature whereby R.S. 26:71.1(1)(h) and 271.2(1)(h) were amended and re-enacted to repeal the commissioner's authority to promulgate Rules regarding requirements related to the number and location of public restrooms to be used in conjunction with the licensed premises of each class A-general retail permit and to require that class A-general retail establishments comply with the Department of Health and Hospitals guidelines for the required number of public restrooms and their locations within the retail establishments.

## Title 55

### PUBLIC SAFETY

#### Part VII. Alcohol and Tobacco Control

##### Chapter 3. Liquor Credit Regulations

##### §315. Regulation VII—Procedures Determined for Issuing Permits

A. Except as otherwise provided for by law and these regulations, all alcoholic beverage permits shall be issued for a period of no more than one year.

B. Notwithstanding Subsection A of this Section, the commissioner may issue alcoholic beverage permits which

are valid for two years to applicants in good standing with the office of alcohol and tobacco control. Obtaining a two year permit shall not be mandatory for qualified applicants. Qualified applicants electing not to obtain a two year permit shall make application under the provisions of Subsection B of this Section.

C. For purposes of this Section, good standing shall mean any original or renewal applicant for a retail, wholesale, or manufacturer/brewer alcoholic beverage permit who has not been issued a warning, pled or been found guilty of any violations of Title 26 of the Louisiana Revised Statutes and/or the regulations promulgated thereunder more than once during the two year period preceding the original or renewal application date.

D. Permit fees for the entire permit period shall be due upon submission of an original or renewal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:71.1(1)(h) and 271.2(1)(h).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcoholic Beverage Control, LR 28:346 (February 2002), amended LR 38:144 (January 2012), amended by the Department of Revenue, Office of Tobacco Control, LR 38:2938 (November 2012).

Troy Hebert  
Commissioner

1211#062

## RULE

### Department of Revenue Office of Alcohol and Tobacco Control

#### Regulation IX—Prohibition of Certain Unfair Business Practices (LAC 55:VII.317)

Under the authority of R.S. 26:150 and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950, et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55:VII.317 relative to unfair business practices.

This amendment to the above-referenced Rule is offered under authority delegated by and at the direction of the Louisiana Legislature in its amendment and re-enactment of R.S. 26:150 to promulgate rules relative to unfair business practices.

## Title 55

### PUBLIC SAFETY

#### Part VII. Alcohol and Tobacco Control

##### Chapter 3. Liquor Credit Regulations

##### §317. Regulation IX—Prohibition of Certain Unfair Business Practices

A. - C.2.a.iii. ...

b. Inside Signs

i. An industry member may furnish, give, rent, loan, or sell to a retailer inside signs that bear advertising matter. Inside signs include such things as mechanical devices, illuminated devices, clocks, neon signs, and other devices that are designed for permanent use in a retail account. These items may be furnished to an industry member if the total value of each sign in use at any one time does not exceed \$350 to any one retail establishment, including all expenses incurred directly or indirectly by any

industry member in connection with the purchase, manufacture, transportation, and assembly of such items and accessories. The industry member shall not directly or indirectly pay or credit the retailer for displaying such material or any expense incidental to their operation. In determining the value of these items for purposes of the limitation, value shall be the cost attributable to them at the time of their installation in the retail establishment. No retail establishment shall exclusively display inside signs from the same industry member.

b.ii. - e.i. ...

ii. T-shirts, caps, and similar items may be given to event contestants or patrons of the retail establishment but the total cost of these items may not exceed \$250 per event.

ii. - vii. ...

f. Trade Calls

i. Bar spending during trade calls, where the alcohol purchased by a manufacturer or wholesaler for a consumer is consumed on retail licensed premises in the presence of the giver, shall be lawful so long as the state's laws regulating retail establishments such as the legal drinking age, etc., are observed and not more than \$250 is expended during the trade call.

f.ii. - j.ii.(c). ...

iii. Out-dated product or product that is within 30 days of date code expiration may be exchanged for other products. Products for which there is only a limited seasonal demand, such as holiday decanters and distinctive containers, may only be exchanged for non-distinctive like products.

C.2.k. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:150.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue and Taxation, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:1344 (June 2005), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 35:89 (January, 2009), LR 38:1286 (May 2012), LR 38:2938 (November 2012).

Troy Hebert  
Commissioner

1211#061

## **RULE**

### **Department of Revenue Office of Alcohol and Tobacco Control**

Tobacco Permits (LAC 55:VII.3103, 3107, and 3109)

Under the authority of R.S. 26:902, 903 and 904, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has amended LAC 55.VII 3103, 3107, and 3109 to provide for classes of tobacco permits and the associated fees.

This amendment to the above-referenced rules is adopted to comply and correlate with the provisions of R.S. 26:902, 903, and 904 as amended and re-enacted through Act 143 of the 2012 Regular Legislative Session which provides for a single class of permits for tobacco retail dealers and states the associated fees.

## **Title 55**

### **PUBLIC SAFETY**

#### **Part VII. Alcohol and Tobacco Control**

#### **Chapter 31. Tobacco Permits**

#### **§3103. Identifying Information for Permits**

##### **A. Permits**

1. A retail dealer permit shall be issued to a dealer other than a wholesale dealer, tobacconist, or vending machine operator for each retail outlet where cigars, cigarettes, or other tobacco products are offered for sale either over the counter or by vending machine.

2. A tobacconist permit shall be issued to a dealer engaged in receiving bulk smoking tobacco for the purpose of blending such tobacco for retail sale at a particular outlet where 50 percent or more of the total purchases for the preceding 12 months were purchases of tobacco products, excluding cigarettes, for each retail outlet where cigars, cigarettes, or other tobacco products are offered for sale either over the counter or by vending machine.

3. A vending machine operator permit shall be issued to a vending machine operator operating one or more vending machines. Licensed wholesale dealers who operate vending machines shall not be required to obtain a vending machine operator permit.

4. A vending machine permit shall be issued to the vending machine operator or wholesale dealer for each vending machine he operates and such permit shall be affixed to the upper front surface of the vending machine.

5. A wholesale dealer permit shall be issued to a wholesale dealer for each wholesale place of business operated by the wholesale dealer.

B. The following identifying information shall be listed on the face of all retail dealer permits, vending machine operator permits, and wholesale dealer permits:

1. the name of the license holder;
2. the name and address of the establishment for which the license is obtained;
3. the license number;
4. the dates of issuance and expiration;
5. the amount paid for the license.

C. The following identifying information shall be listed on the face of all vending machine permits:

1. the name of the license holder;
2. the vending machine operator permit number;
3. the vending machine permit number;
4. the address for the location of the vending machine;
5. the date of expiration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:902.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 24:1320 (July 1998), amended LR 38:145 (January 2012), LR 38:2939 (November 2012).

**§3107. Expiration of Licenses**

A. The expiration of retail dealer permits shall be staggered to expire in accordance with the following schedule.

Parish Code	Parish Name	Month Permit Expires
01	Acadia	October
02	Allen	March
03	Ascension	January
04	Assumption	November
05	Alveolus	July
06	Beauregard	March
07	Bienville	September
08	Bossier	September
09	Caddo	September
10	Calcasieu	March
11	Caldwell	December
12	Cameron	March
13	Catahoula	December
14	Claiborne	September
15	Concordia	December
16	DeSoto	September
17	East Baton Rouge	January
18	East Carroll	December
19	East Feliciana	August
20	Evangeline	July
21	Franklin	December
22	Grant	December
23	Iberia	October
24	Iberville	July
25	Jackson	December
26	Jefferson	February
27	Jefferson Davis	March
28	Lafayette	October
29	Lafourche	November
30	LaSalle	December
31	Lincoln	September
32	Livingston	August
33	Madison	December
34	Morehouse	December
35	Natchitoches	December
36	Orleans	May
37	Ouachita	December
38	Plaquemines	April
39	Point Coupee	July
40	Rapides	July
41	Red River	September
42	Richland	December
43	Sabine	September
44	St. Bernard	April
45	St. Charles	April
46	St. Helena	August
47	St. James	April
48	St. John	April
49	St. Landry	July
50	St. Martin	October
51	St. Mary	November
52	St. Tammany	August
53	Tangipahoa	August
54	Tensas	December
55	Terrebonne	November
56	Union	December
57	Vermillion	March
58	Vernon	March
59	Washington	August
60	Webster	September
61	West Baton Rouge	July
62	West Carroll	December
63	West Feliciana	August
64	Winn	December

B. All vending machine operator permits shall expire each year on June 30.

C. All vending machine permits shall expire each year on June 30.

D. All wholesale dealer permits shall expire each year on December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:904.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 24:1320 (July 1998), amended LR 38:2940 (November 2012).

**§3109. Initial Application and Related Fees**

A. Tobacco Permits

1. Except as otherwise provided by law and these regulations, tobacco permits shall be issued for a period of no more than one year.

2. Notwithstanding Paragraph A.1 of this Section, the commissioner may issue tobacco permits which are valid for two years to applicants in good standing with the office of alcohol and tobacco control with the fees for the entire permit period being due upon the submission of the original or renewal application. Obtaining a two year permit shall not be mandatory for qualified applicants. Qualified applicants electing not to obtain a two year certificate shall make application under the provisions of Paragraph A.1 of this Section.

2. For purposes of this Section, *good standing* shall mean any original or renewal applicant for a tobacco permit who has not been issued a warning, pled or been found guilty of any violations of Title 26 of the Louisiana Revised Statutes and/or the regulations promulgated thereunder more than once during the two year period preceding the original or renewal application date.

B. The fee for a retail dealer permit shall be \$25 per year or any portion thereof, as established in Title 26 of the Louisiana Revised Statutes.

C. The fee for a vending machine operator permit shall be \$75 per year or any portion thereof, as established in Title 26 of the Louisiana Revised Statutes.

D. The fee for a vending machine permit shall be \$5 per machine per year or any portion thereof, as established in Title 26 of the Louisiana Revised Statutes.

E. The fee for a wholesale dealer permit shall be \$75 per year or any portion thereof, as established in Title 26 of the Louisiana Revised Statutes

F. Pursuant to Title 26 of the Louisiana Revised Statutes, the fee for a tobacconist permit shall be \$100 per year or any portion thereof based on the effective rate as of August 15, 2010.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:903.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 24:1321 (July 1998), amended LR 38:145, 146 (January 2012), LR 38:2940 (November 2012).

Troy Hebert  
Commissioner

1211#060



## RULE

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

#### Crappie Regulations—Daily Take (LAC 76:VII.197)

The Wildlife and Fisheries Commission hereby establishes the following Rule on Crappie (*Pomoxis* spp.) on D'Arbonne Lake, located in Union Parish, Louisiana.

#### Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 1. Freshwater Sport and Commercial Fishing

#### §197. Crappie Regulations—Daily Take

A. - A.1.a. ...

B. D'Arbonne (Union Parish)

1. Daily Limit—25 fish per person:

a. on water possession—same as daily limit per person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1(c).

HISTORICAL NOTE: Promulgated in accordance with Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2339 (October 2004), amended LR 38:2941 (November 2012).

Ann L. Taylor  
Chairman

1211#033

## RULE

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

#### General and WMA Turkey Hunting (LAC 76:XIX.113)

The Wildlife and Fisheries Commission does hereby amend the turkey rules and regulations for the 2013 season.

#### Title 76

### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

#### Chapter 1. Resident Game Hunting Season

#### §113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited. Still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than No. 2 lead or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on

or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

#### B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within seven days of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation web site.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M. g. osceola*, *M. g. intermedia*, *M. g. merriami*, *M. g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from

within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of 2.

E. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

#### F. Turkey Hunting Area Descriptions

##### 1. Area A

- a. All of the following parishes are open:
  - i. Beauregard;
  - ii. Bienville;
  - iii. Claiborne (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
  - iv. East Baton Rouge;
  - v. East Feliciana;
  - vi. Grant (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
  - vii. Jackson;
  - viii. LaSalle;
  - ix. Lincoln;
  - x. Livingston;
  - xi. Natchitoches (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
  - xii. Pointe Coupee (exception: see Sherburne WMA for special season dates on all state, federal, and private lands within Sherburne boundaries);
  - xiii. Rapides (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
  - xiv. Sabine;
  - xv. St. Helena;
  - xvi. Tangipahoa;
  - xvii. Union;
  - xviii. Vernon (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
  - xvix. West Baton Rouge;
  - xx. West Feliciana (including Raccourci Island);
  - xxi. Winn (exception: see federal lands hunting schedule for Kisatchie National Forest dates);
- b. Portions of the following parishes are also open:
  - i. Allen—north of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

- ii. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

- iii. Calcasieu—north of I-10;

- iv. Caldwell—west of Ouachita River southward to Catahoula Parish line;

- v. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line. Also that portion lying east of LA 15;

- vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

- vii. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

- viii. Iberville—west of the Mississippi River. (exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries);

- ix. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

- x. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

- xi. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

- xii. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80 to LA 139, west of LA 139 to LA 134, north of LA 134 to the Morehouse Parish line, south of the Morehouse Parish line, and east of the Ouachita River.

- xiii. Richland—that portion south of US 80 and east of LA 17;

- xiv. St. Landry—that portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. (exception: the Indian Bayou Area, see federal lands hunting schedule for Indian Bayou Area dates);

- xv. Upper St. Martin—all within the Atchafalaya Basin. (exception: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates);

- xvi. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and

3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B

a. All of the following parishes are open:

- i. Ascension;
- ii. Caddo;
- iii. DeSoto;
- iv. Red River;
- v. St. Tammany;
- vi. Washington.

b. Portions of the following parishes are open:

i. Bossier—all open except that portion bounded on the north by I-20, on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville—all east of the Mississippi River;

iv. Webster—all open except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish line (exception: see federal lands hunting schedule for Kisatchie National Forest dates).

3. Area C

a. All of the following parishes are open:

i. Concordia.

b. Portions of the following parishes are open:

i. Caldwell—all east of the Ouachita River;

ii. Catahoula—all of the parish except for that portion located in Area A;

iii. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia—east of the West Atchafalaya Basin Protection Levee;

v. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vi. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within Areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits. All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts. All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one spring WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Hunters must abide by self-clearing permit requirements. Hunters chosen for WMA lottery hunts may be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact with the lottery hunter at all times. Youths chosen for special youth only hunts may be assigned a guide on the day of the hunt provided that guides are available. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (wheelchair confined). Open only to hunters with a physically challenged hunter permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the physically challenged hunter permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

c. Tunica Hills. All lottery hunters must wear provided GPS units while hunting if directed by researchers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012).

Ann L. Taylor  
Chairman

1211#032

**RULE**

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

Internet Purchase of Commercial Licenses and Permits  
(LAC 76:VII.403, 413 and 415)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations relative to internet application and purchase of licenses associated with the

commercial fishing industry. Authority to establish such rules and regulations is vested in the Wildlife and Fisheries Commission by R.S. 56:301.9.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **PART VII. Fish and other Aquatic Life**

#### **Chapter 4. License and License Fees**

#### **§403. Traversing Permit**

A. The Department of Wildlife and Fisheries is authorized to issue a traversing permit upon application to its Commercial License Section at the Baton Rouge office for a fee of \$250 for each permit. Application for permits must be made in person or as provided by Section 415 of this Part.

B. - H.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:305.B, and R.S. 56:320.2.E.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:240 (March 1996), amended LR 26:2333 (October 2000), LR 38:2944 (November 2012).

#### **§413. Methods of Payment for Commercial Licenses and Oyster Tags**

A. Commercial licenses and oyster tags may be purchased using the following forms of payment:

1. cash;
2. money order;
3. cashier's check;
4. business checks certified by the issuing bank; and
5. credit cards (MasterCard, American Express, or

Discover only).

B. Payment by credit card will be allowed only by the card holder at the Baton Rouge licensing location with the credit card present at the time of purchase or as provided by Section 415 of this Part.

C. No other forms of payment will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:642(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1622 (June 2011), amended LR 38:2944 (November 2012).

#### **§415. Application and Payment for Eligible Commercial Licenses and Permits via the Internet**

A. This Section allows certain persons to apply and pay for eligible commercial licenses or permits via the internet.

B. Application and payment of eligible commercial fishing licenses and permits may be made only in the name of the person who held that same license(s) or permit(s) for the immediately preceding license or permit year. No changes to information contained on the previous license or permit will be allowed when applying via internet.

1. Eligible commercial licenses and permits available for application and payment under this Section are limited to the following:

- a. commercial fisherman license;
- b. fresh products license;
- c. oyster harvester license;
- d. all vessel licenses;
- e. all commercial fishing gear licenses and related fees;
- f. seafood retail dealer license;
- g. seafood wholesale/retail dealer license;
- h. seafood transport license;

- i. wholesale out of state crab shipping license;
- j. charter guide license;
- k. charter mothership license;
- l. charter skiff license;
- m. all commercial fishing permits;
- n. domestic aquatic organism license, and
- o. apprentice license.

C. Payment may be made by the following methods:

1. VISA;
2. MasterCard;
3. Discover;
4. American Express; and
5. electronic check.

D. In addition to the cost of each license or permit, a use fee of \$2 per license or permit and a handling fee of three percent per transaction will be charged for use of the internet application and payment system.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:642(C)

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:2944 (November 2012).

Ann L. Taylor  
Chairman

1211#034

#### **RULE**

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

#### **Turkey Hunting Areas, Season, and Bag Limits (LAC 76:XIX.115)**

The Wildlife and Fisheries Commission does hereby amend the turkey dates and limits for the 2013 season.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part XIX. Hunting and WMA Regulations**

#### **Chapter 1. Resident Game Hunting Season**

#### **§115. Turkey Hunting Areas, Seasons, and Bag Limits**

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts and only one turkey may be taken during the fall WMA lottery hunt.

B. Turkey season will open on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season.

D. Only those wildlife management areas listed herein are open to turkey hunting. All other wildlife management areas are closed.

E. 2013 Turkey Hunting Schedule

Area	Season Dates
A	March 23-April 21
B	March 23-April 14
C	March 23-April 7
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 16-17

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 23-31	None
Bayou Macon	None	April 13-14
Big Lake	March 23-April 7	None
Bodcau	March 23-April 7	None
Boeuf	March 23-31	None
Clear Creek	April 1-21	March 23-24 March 30-31
Camp Beauregard	March 23-31	None
Dewey Wills	None	March 23 March 24 March 30 March 31
Fort Polk-Vernon	March 23-April 21	None
Grassy Lake	March 23-31	None
Hutchinson Creek	March 23-April 21	None
Jackson-Bienville	March 23-April 7	None
Lake Ramsey	March 23-April 7	None
Little River	March 23-April 7	None
Loggy Bayou	None	April 12-14
Peason Ridge	March 23-April 21	None
Red River	March 23-April 7	None
Sabine	None	April 13-15 April 19-21
Sandy Hollow	March 23-April 7	None
Sherburne	March 25-27	March 23-24
Sicily Island	None	March 23-25 March 26-28 March 29-31 April 1-3 April 4-7
Tangipahoa Parish School Board	March 23-April 21	None
Three Rivers	March 23-April 7	None
Tunica Hills South Tract	April 8-14	March 23-24 March 30-31 April 6-7
Tunica Hills North Tract	April 8-14	March 23-24 March 30-31 April 6-7

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Union	None	April 12-14 April 19-21
Walnut Hills	March 23-April 21	None
West Bay	None	March 23-24 March 30-31 April 6-7

G. Wildlife Management Area and Kisatchie National Forest Lottery Youth Hunts

WMA/Ranger District	Lottery Youth Hunt Date
Big Lake	March 16
Bodcau	March 16-17
Clear Creek	March 16
Fort Polk-Vernon/Peason Ridge; Calcasieu Ranger Dist.; Caney Ranger Dist.; Catahoula Ranger Dist.; Kisatchie Ranger Dist. and Winn Ranger Dist.	March 16
Grassy Lake	March 16
Jackson-Bienville	March 16-17
Loggy Bayou	April 6-7
Pearl River	April 6 April 13
Pomme de Terre	April 6
Sherburne	March 16
Sicily Island	March 16
Spring Bayou	April 6
Tunica Hills	March 16
Union	April 6-7
West Bay	March 16

H. Non-lottery Youth Hunts

1. Bodcau WMA will be open April 13-14 (only youths may hunt).

2. Jackson-Bienville WMA will be open April 13-14 (only youths may hunt).

I. Wildlife Management Area Physically Challenged (Wheelchair Confined) Hunt

**1. Jackson-Bienville WMA will be open April 15-21 to holders of valid physically challenged hunter (wheelchair classification) permits.**

J. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule:

- a. Caney Ranger District, March 23-April 7;
- b. all remaining KNF lands, March 23-April 14 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March 16-17 youth and physically challenged lottery only hunt, and lottery hunt only on March 23-24 and March 30-March 31. Old River Control and Lock Areas, March 23-April 7.

3. National Wildlife Refuges: Bogue Chitto NWR, March 23-April 14; Lake Ophelia NWR, March 23-April 7 hunt ends at 12 p.m. each day; Tensas NWR, March 16-17 (youth only), March 23-April 7; Upper Ouachita NWR, March 16 (youth lottery only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012).

Ann L. Taylor  
Chairman

1211#031

## RULE

### Department of Civil Service Division of Administrative Law

Administrative Law (LAC 1:III.Chapters 1-8)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in the Division of Administrative Law Act (DALA), R.S. 49:991 et seq., that the division has amended its rules to comport with legislative changes made in the 2012 Regular Session of the Louisiana Legislature and to increase the efficient operations of the division.

#### Title 1

#### ADMINISTRATIVE LAW

#### Part III. Division of Administrative Law

#### Chapter 1. General Rules

#### §103. Definitions

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

*Clerk of Court*—the person who, directly or through his/her designee, maintains custody of and receives filings to the adjudicatory record for the division.

\* \* \*

*Electronic Transmission/Electronic Means*—methods to deliver documents over the internet or other wired or wireless means including, but not limited to, email, facsimile machine, document sharing through the internet and websites.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq. and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:40 (January 2002), amended LR 38:2946 (November 2012).

#### §109. Computation of Time

A. ...

B. In computing a period of time that must elapse, the full time period must elapse for the requirement to be considered to have been met. If the time period elapses on a Saturday, Sunday, or a legal holiday as provided in R.S. 1:55, the designated period will not be considered to have elapsed until the end of the next day which is not a Saturday, Sunday, or legal holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012).

#### Chapter 3. Filing and Notices

#### §301. Clerk of Court

A. The clerk of court shall be the official custodian of adjudicatory records for the division. The clerk shall certify copies of official documents in his/her custody; distribute decisions, recommendations, orders, subpoenas, and notices issued by the administrative law judges; and perform other duties as assigned by the director. The paper or electronic file maintained by the clerk of court shall be the official record of the proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012).

#### §305. Official Recordings; Copies of Official Recordings; Transcripts

A. ...

B. Copies of recordings shall be available for purchase from the clerk of court.

C. A verbatim transcript shall be made when requested by a party or required by law. Requests for a transcript shall be in writing and submitted to the clerk of court. The clerk of court will furnish an estimate of the transcription costs. The estimated costs must be paid before the recording will be transcribed. Actual costs must be paid in full before delivery of the transcript.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012).

#### §307. Filing of Pleadings and Documents

A. Any pleading, document or other item filed with the clerk of court into the adjudicatory record shall be filed by hand delivery, postal mail, or transmitted by electronic means. Documents sent by fax should not exceed 20 pages.

B. Unless otherwise provided by law, all pleadings, documents or other items shall be deemed filed on the date received by the clerk of court if received by 5 p.m. Items filed after 5 p.m. shall be deemed filed on the next business day.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012).

**§309. Notices of Hearings; Orders, Decisions and Other Documents**

A. This Section shall apply to notices of hearings, orders, decisions and other documents sent by the division.

B. Notices shall be sent by postal mail or transmitted by electronic means unless otherwise required by law. Notices may be sent to the counsel of record only. Otherwise, notices are sent to the party's last known physical, postal or electronic address as filed in the adjudicatory record. Parties shall promptly send address changes to the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et. seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012).

**§311. Pleadings—Form and Content**

A. Unless otherwise required by law, pleadings should:

1. state the name, physical address, mailing address, electronic address and telephone number of the person filing the pleading, and his/her attorney bar roll number, if applicable;

2. if filed on paper, be legibly written in ink, typewritten or printed with 1-inch top, bottom and side margins and should be on strong durable white paper, no larger than 8 1/2 by 11 inches; if filed electronically, in a format designated by the clerk of court, and with 1-inch top, bottom and side margins;

3. - 6. ...

7. be signed in ink or by electronic signature by the party filing same or by his or her duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he or she has read the document and that, to the best of his or her knowledge, information and belief, every statement contained in the document is true; and

8. ...

B. The heading should be similar in format to and shall include the information contained in the following example.

STATE OF LOUISIANA  
 DIVISION OF ADMINISTRATIVE LAW  
 DEPARTMENT OF \_\_\_\_\_ \*

\*  
 \*

IN THE MATTER OF \* DOCKET NO. :  
 \*  
 \*

---

(TITLE OF PLEADING)

C. The certificate of service should be similar in format to and shall include the information contained in the following example:

I certify that a copy of this document has been transmitted to all parties of record on this \_\_ day of \_\_, 20\_\_.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2947 (November 2012).

**§313. Service of Pleadings and Documents**

A. Except where otherwise required by law, on or before the day that a pleading or document is filed with the clerk of court, service of same shall be made by the party who prepared the pleading, upon all other parties, attorneys or designated representatives by hand delivery, mail or electronic transmission, as shown by a certificate of service.

B. Unless otherwise provided herein, service by mail or by electronic transmission is effective on the date mailed or transmitted. Personal or domiciliary service is effective when delivered or tendered, even if delivery is refused.

C. ...

D. Service on a party or person shall be given at the last known physical, postal or electronic address filed into the adjudicatory record. Any party or person shall timely file into the adjudicatory record notice of any change of address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:2947 (November 2012).

**Chapter 5. Adjudications**

**§501. Administrative Law Judge: Regulating Adjudications**

A. ...

B. Attorneys and representatives appearing in person before the administrative law judge must appear in proper professional business attire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:2947 (November 2012).

**§503. Commencement of Adjudications**

A. A case is commenced for purposes of this Chapter upon the filing of a docketing or hearing request with the clerk of court by a party or a referring agency accompanied by a notice of violation or request for a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:2947 (November 2012).

**§509. Representation**

A. Parties have the right to retain counsel but are not required to do so.

B. Representation of a person in a matter before the division is limited to licensed attorneys, unless state or federal law specific to the type of hearing conducted specifically allows representation by non-attorneys. The division may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular matter, to appear as counsel pro hac vice.

C. Attorneys must file a motion to enroll as counsel of record if they were not identified as such in the original pleadings.

D. Counsel seeking to withdraw from the representation of a party shall file a motion to withdraw. Leave to withdraw shall not be withheld unreasonably.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:2947 (November 2012).

#### **§515. Continuances**

A. Except where otherwise prohibited by law, a continuance may be granted in any case for good cause shown. Motions for continuance should be in writing and transmitted by postal mail or by electronic means. Continuances may be requested during the hearing upon an oral motion of a party made on the record.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:2947 (November 2012).

#### **§519. Subpoenas**

A. ...

B. Unless otherwise provided, to request the issuance of a subpoena, the following procedure shall be followed.

1. The subpoena shall be prepared and served by the party requesting the subpoena. The party requesting and serving the subpoena must file a return of service into the administrative record certifying on whom the subpoena was served, the time and date served, the location or address served, and the name of the person who served it.

2. Departmental service of subpoenas on law enforcement officers and fire service personnel must be accomplished in accordance with R.S. 13:3661.1 to be considered effective.

3. A subpoena request on behalf of any party shall be accompanied by a check or money order to cover witness fees pursuant to R.S. 49:956(5), R.S. 13:3662(A) (law enforcement officers), or other applicable law. Witness fees for experts shall be set by the administrative law judge in accordance with R.S. 49:950 et seq. The check or money order shall be made payable to each witness subpoenaed, or as provided for law enforcement witnesses.

4. Additional witness fees must be submitted in order for a subpoena to be reissued due to a continuance or other reason.

5. The subpoena should include the following:

- a. the heading contained in §311.B of these rules;
- b. the name of the party and the representative or attorney requesting the subpoena;
- c. the docket number of the case;
- d. the complete name, service address (with directions if necessary), and telephone number of the person being subpoenaed;
- e. a sufficient description of any document or item to be produced; and
- f. the date, time, place and proceeding for which the subpoena is requested.

C. A subpoena adapted from the Louisiana Code of Civil Procedure formulary is acceptable. Sample subpoena forms and forms for requesting subpoenas are available from the clerk of court.

D. Failure of a witness to appear or respond to a subpoena will not be grounds for a continuance unless

Paragraph B.1 above has been complied with, and the request for the subpoena was received by the division at least 10 days before the date required for appearance, production or inspection. However, the administrative law judge may grant a continuance or exception when the interest of justice requires it.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and amendments to R.S. 32:668.A effective August 1, 2012.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:2948 (November 2012).

#### **§521. Discovery**

A. Any party to a proceeding may conduct discovery in all manners as provided by the Louisiana Code of Civil Procedure.

B. - D.2. ....

3. A subpoena duces tecum is not proper for obtaining documents or things from a party to the proceeding. When attempting to obtain documents or things from a party to the proceeding, the party seeking the items must do so through discovery, by a request for production of documents.

AUTHORITY NOTE: Promulgated in accordance with R. S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:2948 (November 2012).

#### **§523. Exhibits**

A. ...

B. During an in-person hearing, copies of exhibits should be furnished to the administrative law judge and all parties, unless the administrative law judge rules otherwise.

C. For telephone or other non-in-person hearings, a party submitting exhibits must transmit them to the administrative law judge and all parties no later than three business days before the hearing, unless the administrative law judge rules otherwise. Parties are expected to have exchanged and reviewed the exhibits prior to the hearing and to be prepared for the hearing. Failure to timely submit and exchange exhibits may result in exhibits not being admitted into evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:2948 (November 2012).

#### **§527. Prehearing Order**

A. - A.12. ...

13. the following certification: "We certify that we have conferred for the purpose of preparing this joint proposed prehearing order and that we have no objections to the contents of this prehearing order other than those attached"; and this order:

"IT IS ORDERED that this matter is set for hearing at \_\_\_\_\_ o'clock, \_\_M. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and to continue until completed."

ADMINISTRATIVE LAW JUDGE

B. In the event that any party disagrees with the proposed prehearing order, or any part of it he shall attach to the order a signed statement of his opposition and his reasons, but shall sign the joint proposed prehearing order which shall be deemed to be approved in all respects except those covered in the statement of opposition.



C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:2948 (November 2012).

**§529. Rehearing, Reopening**

A. Unless otherwise provided by law, a decision on the merits shall become final as to any party 30 days after transmission of the notice, the decision or the order unless a petition for reconsideration, reopening or rehearing is filed with the division within 10 days from date of transmission pursuant to R.S. 49:959.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:2948 (November 2012).

**§531. Termination of Adjudications; Voluntary Withdrawal**

A. ...

B. In accordance with R.S. 49:955(A), a party who requests an administrative hearing may be deemed to have waived its right to a hearing if after having been provided with reasonable notice the party fails to appear on the day and time set for hearing. In such instances, the rule to show cause, hearing request, or the party's appeal may be dismissed based on the party's waiver of the right to a hearing. The order of dismissal shall be transmitted to the party's last known address.

C. Abandonment

1. Except as otherwise provided by law, an action is abandoned when the parties fail to take any step in its prosecution or defense for a period of three years.

2. This provision shall be operative without formal order. However, on ex parte motion of any party, other interested person or the clerk of court, supported by affidavit, the administrative law judge shall enter an order of dismissal as of the date of its abandonment.

3. The affidavit shall specify that no step has been taken for a period of three years in the prosecution or defense of the action.

4. The order shall be transmitted to all parties, and the parties shall have 30 days from date of transmission to move to set aside dismissal based on a showing of good cause.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:2949 (November 2012).

**Chapter 8. Ethics Adjudicatory Board**

**§801. Selection of Board Members and Panels**

A. - B.2. ...

C. Term of Board. These seven administrative law judges shall constitute the Ethics Adjudicatory Board. The Ethics Adjudicatory Board members shall be selected in December of the year preceding the year on which the terms are to begin on January 1.

D. - E. ...

F. A vacancy on the Ethics Adjudicatory Board shall be filled for the unexpired term at the next public meeting of the Board of Ethics and in the same manner as for the original selection. The last selected judge shall serve as the alternate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1141.2.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:2949 (November 2012).

**§805. Panel Procedure**

A. The panel shall select the administrative law judge who will preside over the hearing.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1141.5.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:2949 (November 2012).

**§807. Appeals to the Court of Appeals**

A. When a decision of the Ethics Adjudicatory Board is appealed to the Court of Appeals, copies of the motion for appeal shall be served upon the Division of Administrative Law and all parties of record.

B. The Division of Administrative Law shall prepare the record on appeal after the appellant pays the costs pursuant to §305 of these rules.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1142.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:2949 (November 2012).

Ann Wise  
Director

1211#127

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

#### Structural Pest Control (LAC 7:XXV.Chapter 1)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the enabling statute, R.S. 3:3366, the Department of Agriculture and Forestry, Structural Pest Control Commission, proposes to amend regulations to define certain terms; modernize and update all the Rules and Regulations promulgated by the Structural Pest Control Commission; comply with Federal requirements for pesticide container and containment and comply with state law regarding rule changes and declaratory rulings.

The Structural Pest Control Commission finds that the implementation of these amendments to rules and regulations are necessary to define and give clarity to terms used by the structural pest control industry; to provide homeowners and pest control operators a clearer understanding of the requirements for wood destroying insect reports, pesticide containers, and filling and re-filling of pesticide containers; and setting new procedures for changing rules and declaratory rulings.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXV. Structural Pest Control

#### Chapter 1. Structural Pest Control Commission

#### §101. Definitions

A. - B. ...

\* \* \*

*Containment Pad*—a containment structure that:

a. for new and existing containment structures, meets the design, construction materials and capacity requirements of 750 gallons or 100 percent of the capacity of the largest container/equipment used on the pad (whichever is less); and

b. accommodates pesticide spills or leaks in dispensing areas at bulk facilities.

*Containment Structure or Structure*—new and existing structures at bulk facilities that meet the design, construction materials and capacity requirements used to contain spills or leaks from stationary pesticide containers or pesticide dispensing activities.

a. An existing containment structure is a structure for which installation began on or before July 1, 2011.

b. A new containment structure is a structure for which installation began after July 1, 2011 if certain conditions regarding permits, construction and contracts are met.

\* \* \*

*Rule*—as defined in R.S. 49:951(6).

\* \* \*

*Wood Destroying Insect Report*—a document approved by the Structural Pest Control Commission issued by a pest

control operator only for inspections made to determine the presence of wood destroying insects for acts of sale or refinance of structures. A wood destroying insect report shall not be renewable or issued for any other purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

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 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), LR 39:

#### §103. Administration of the Affairs of the Commission; Adoption of Rules and Regulations

A. - P. ...

Q. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3363, R.S. 3:3364 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:325 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 20:644 (June 1994), LR 35:204 (February 2009), LR 37:275 (January 2011), LR 39:

#### §111. Certified Fumigation Technician

A. - A.2. ...

B. Having met these requirements in §111.A, the applicant would be qualified to take a written test administered by the commission to demonstrate that the person has the necessary knowledge in the phase(s) for which application is made. The minimum score required for successful completion of the examination is 70 percent.

C. - C.1. ...

2. the continuing education program shall contain a minimum of six hours of technical training for the phase of fumigation;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, amended LR 17:251 (March 1991), LR 19:1010 (August 1993), LR 37:279 (January 2011), LR 39:

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

A. - B.5. ...

6. one photograph of the employee; and

B.7. - P.1. ...

2. Each continuing education program shall be a minimum of one hour in length per phase.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, 3:3368 and R.S. 3:3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 32:797 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 35:207 (February 2009), LR 37:279 (January 2011), LR 39:

**§117. Obligations of the Licensee\Permittee**

A. - E.1.c. ...

d. a minimum of six hours of technical training for the phase of fumigation.

E.2. - G ...

H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of pesticides on a record keeping form or in a format approved by the director of Pesticide and Environmental Programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control. The licensee shall make a copy of these records available to any employee of the department for inspection at a reasonable time during normal working hours.

I. - 1.m. ...

n. applicator and department I.D. number;

o. contract.

2. - 4.m. ...

n. inspection diagram;

o. contract.

I. The licensee shall renew each phase in which he is licensed annually by June 30.

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

K. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:

**§121. Wood Destroying Insect Report**

A. A wood destroying insect report approved by the commission shall be issued only for inspections made to determine the presence of wood destroying insects for acts of sale or refinance of structures. A wood destroying insect report shall not be renewable or issued for any other purpose.

B. A wood destroying insect report shall be issued by a person who is licensed by the commission in termite control or a certified WDIR technician who is working under the supervision of a person who is licensed by the commission in termite control. The report shall carry a guarantee that the property will be treated without charge should live wood

destroying insects covered by the report be found within 90 days from the date of inspection. The presence of frass will be acceptable as evidence of a live infestation of powder post beetles; however, frass shall be exuding or streaming from the holes on the outside of the wood.

B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3670.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 23:856 (July 1997), LR 24:631 (April 1998), LR 25:235 (February 1999), LR 25:829 (May 1999), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:797 (May 2006), repromulgated LR 32:1017 (June 2006), amended LR 37:282 (January 2011), LR 39:

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

A. - E. ...

F. During the temporary absence of the licensee, the permittee/licensee shall designate another licensee(s), certified in the same phases 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 department in writing of any such temporary absence giving the name of the substituting licensee jointly responsible with the licensee, and the dates of the temporary absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 37:283 (January 2011), LR 39:

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

A. - C.6.b. ...

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

a. Treat all cracks in concrete.

C.7.b. - D.1.b. ...

2. Bath Traps

a. An access hole of a minimum of 6 x 8 inches shall be provided during the initial treatment to all bathtub plumbing.

b. If the soil in a trap does not reach the bottom of the slab, the trap shall be filled to within 2 inches of the top of the slab with soil prior to initial treatment. Treat bath trap(s) as required by label and labeling.

2.c - 3.b. ...

c. All other openings (plumbing, etc.) shall be treated during the initial treatment as required by label and labeling.

d. Treat all visible cracks in slab.

4. Eliminate direct contact of wood with ground

a. Remove all cellulose debris, such as scrap wood, vines, etc., from the foundation level of the structure or above the slab.

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 shall be cut off to provide at least 12 inches clearance.

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

E. - E.3.d. ...

e. Opelousas District—Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Vermilion, and Lafayette.

E.3.f. - G. ...

1. Whenever any agent of the department finds that any property is infested with termites, the pest control operator who treated the property or who has a current contract shall retreat within 30 days after receipt of notification from the department.

G. 2. - J.3. ...

4. Above ground bait stations shall be used according to their label and labeling when the presence of subterranean termites are detected in the contracted structure and shall be monitored not less than quarterly.

J.5. - K.1. ...

2. Combination of liquid spot and bait and baiting systems treatments shall be used according to label and labeling. Above ground bait stations shall be monitored not less than quarterly.

K.3. - K.8.a. ...

b. Above ground bait stations shall be monitored not less than quarterly.

K.9. - M.5.d. ...

e. Opelousas District—Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Vermilion, and Lafayette;

M.5.f. - M.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), LR 39:

#### §145. Wood-Destroying Beetles

A. - A.1. ...

a. Powder post beetle frass shall be exuding or streaming from the holes on the outside of the wood or live larvae or pupae are found in the wood members.

2. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 35:1470 (August 2009), LR 37:292 (January 2011), LR 39:

#### §151. General Requirements for Pesticide Waste

A. All permittees, licensees, or registered persons shall implement a containment system for reuse or apply a

pesticide waste immediately to a site of application per label and labeling.

#### B. Handling Spills by Applicators

1. All spills of more than 1 gallon liquid or 4 pounds dry weight shall be reported to the director by the applicator, primary licensee or permittee within 24 hours by telephone and by written notice within three days.

2. The permittee is responsible for the cost of cleanups resulting from pesticide spills in their operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 37:294 (January 2011), LR 39:

#### §153. Handling of Pesticide Containers by Structural Pest Control Operators

A. Storage Areas for Full or Partially Full Pesticides Containers

1. Pesticide containers shall be stored in a secure enclosure.

2. - 3. ...

B. Transportation of full or partially full pesticide containers shall be secure and not accessible by the general public.

C. - D.1.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 37:294 (January 2011), LR 39:

#### §155. Rinsate from Pesticide containers

A. Pesticide containers shall be cleaned and disposed of according to the product label.

B. Pesticide containers, ready for disposal, shall be stored in a secured area and shall be kept for no more than 90 days or 180 days if held for recycling.

C. Rinsate from pesticide container cleaning shall be used in the following manner:

1. in subsequent applications of the pesticide; or

2. placed in a rinsate collection system dedicated to that pesticide and used according to the label and labeling and shall be removed from the system in less than 30 days after deposit therein; or

3. disposed in a permitted waste facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 37:294 (January 2011), LR 39:

#### §157. Containment Structures

A. Containment structures shall meet all of the following requirements:

1. shall be constructed of steel, reinforced concrete or other rigid material capable of withstanding the full hydrostatic head and load of any substances, equipment and appurtenances placed on the structure;

2. shall be compatible with the pesticides stored within the structure;

3. shall be liquid-tight with cracks, seams and joints sealed;

4. shall not be constructed of Natural earthen material, unfired clay and asphalt;

5. shall protect appurtenances and containers against damage from personnel and moving equipment;

6. shall seal appurtenances, discharge outlets or drains through the base or wall of existing containment structures, except direct connections between containment structures;

7. shall not configure appurtenances, discharge outlets or drains through the base or wall of new containment structures, except direct connections between containment structures.

8. shall control stormwater in all containment structures by constructing with sufficient freeboard to contain precipitation and prevent water and other liquids from seeping into or flowing onto them from adjacent land or structures.

B. Containment structures for new and existing secondary containment shall meet the following requirements:

1. liquid pesticide stationary containers shall be anchored or elevated to prevent flotation.

2. dry pesticide stationary containers shall:

a. be protected from wind and precipitation; and

b. be on pallets or raised concrete; and

c. have a floor that extends completely beneath the pallets or raised concrete platforms; and

d. be enclosed by a curb a minimum of six inches high that extends at least two feet beyond the perimeter of the container.

C. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 37:294 (January 2011), LR 39:

### **§159. Containment Pads**

A. Existing containment pads shall:

1. intercept leaks and spills; and

2. have enough surface area to extend under containers on it; and

3. accommodate at least the portion of the vehicle where the hose or device couples to it, for transport vehicles delivering pesticide; and

4. allow for removal/recovery of spilled, leaked or discharged material and rainfall; and

5. have no automatic pumps without overflow cutoffs.

B. New containment pads to be designed and constructed shall:

1. intercept leaks and spills; and

2. have enough surface area to extend under containers on it; and

3. accommodate at least the portion of the vehicle where the hose or device couples to it, for transport vehicles delivering pesticide; and

4. allow for removal/recovery of spilled, leaked or discharged material and rainfall; and

5. have no automatic pumps without overflow cutoffs; and

6. have their surface sloped toward an area where liquids can be collected for removal.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 37:295 (January 2011), LR 39:

### **§165. Requests for Adoption, Amendment, or Repeal of a Rule**

A. Any interested person may, pursuant to R.S. 49:953(C), request the commission to adopt, amend, or repeal a rule (rule change) that the commission has the authority to make.

B. A request for a rule change shall be in writing and shall contain the following information:

1. A draft of the proposed wording of the requested rule change or a statement detailing the content of the requested rule change.

2. The name, address, telephone number, fax number and e-mail address of the requesting party.

C. The request for a rule change shall be addressed to the commission and shall be mailed or delivered to 5825 Florida Boulevard, Baton Rouge, LA 70806.

D. The commission shall consider the request as follows:

1. A request for rule change shall be considered by the commission within a reasonable time, not to exceed 90 days:

a. Notice of the meeting at which the request is to be considered shall be provided to the person submitting the request.

b. Failure of the requesting party to attend the meeting for purposes of discussing the proposed rule change may be cause for the request to be denied by the commission.

c. The request, with the consent of the requesting party, may be taken under consideration or action deferred pending further information. If the matter is taken under consideration or action is deferred then it will be taken up again at the next regularly scheduled meeting of the commission or at a special meeting.

E. Any decision by the commission shall be in writing and shall state the reasons for the denial or action. Such notice may be delivered by hand, mail, electronically or by any other means reasonably assured to provide notice to the requesting party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 49:953(C).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:

### **§167. Procedure for Declaratory Orders and Rulings**

A. This rule provides for the filing and prompt disposition of requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability of any rule or order of the commission, as required by R.S.49:962 and 49:963(D).

B. A request for a declaratory order or ruling shall be in writing and shall contain the following information:

1. A citation to the specific statutory provision, rule or order that will be the subject of the declaratory order or ruling.

2. A concise statement of why the declaratory order or ruling is being requested.

3. A list of all persons that the requesting party may call to testify and a list of all documents that may be submitted as evidence, if a hearing is called to take evidence.

4. The name, address, telephone number, fax number and e-mail address of the requesting party, either printed or written in legible form.

C. The request for a declaratory order or ruling shall be addressed to the commission and shall be mailed or delivered to 5825 Florida Boulevard, Baton Rouge, LA 70806.

D. The commission shall consider the request as follows:

1. The request shall be considered by the commission within a reasonable time, not to exceed 90 days.

2. Notice of the meeting at which the request is to be considered shall be provided to the person submitting the request.

E. The commission's decision shall be sent to the requesting party either by certified mail, return receipt requested; hand delivery; or commercial courier.

F. Failure of the requesting party, after notice, to attend any hearing or meeting regarding the request may be cause for the request to be denied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, R.S. 49:962 and R.S. 49:963(D).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:

#### **Family Impact Statement**

It is anticipated that the proposed action will have no significant effect on the (1) stability of the family, (2) authority and rights of parents regarding the education and supervision of their children, (3) functioning of the family, (4) family earnings and family budget, (5) behavior and personal responsibility of children, or (6) ability of the family or a local government to perform the function as contained in the proposed action.

#### **Small Business Statement**

It is anticipated that the proposed action will not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed action to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### **Public Comments**

Interested persons may submit written comments, data, opinions, and arguments regarding the proposed action. Written submissions are to be directed to David Fields, Director, Structural Pest Control Commission, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on December 13, 2012. No preamble regarding these proposed regulations is available.

Mike Strain, DVM  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Structural Pest Control**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will have no direct impact on expenditures of state or local governmental units. The proposed rule change revises the rules and regulations to define and give clarity to terms used by the structural pest control industry; to provide homeowners and pest control operators a clearer understanding of the requirements for wood destroying insect reports; to clarify the requirements for monitoring above ground termite bait stations; to bring state rules into compliance with federal requirements for pesticide container and containment structures; to ensure that pest control operators comply with new requirements for pesticide containers; and to set new procedures for changing rules and declaratory rulings. Declaratory rulings will be carried out using existing staff.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will provide a direct benefit to individuals that seek relief using the declaratory relief or rule change process. There may be a slight increase in paperwork for the individuals that choose to exercise their right to petition the Structural Pest Control Commission.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change is anticipated to have no effect on competition and employment.

Dane Morgan  
Assistant Commissioner  
1211#064

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Children and Family Services Division of Programs Licensing Section**

Crib Standards (LAC 67:III.7304, 7325, 7357 and 7373)

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section in accordance with provisions of the Administrative Procedure Act, R.S. 49:953(A) proposes to amend the Louisiana Administrative Code (LAC), Title 67, Part III, Subpart 21, Chapter 73 Day Care Centers, to incorporate the new federal crib safety standards that were approved by the United States Consumer Product Safety Commission (CPSC) in December 2010 for full-size and non full-size baby cribs.

Sections 7304, 7325, 7357, and 7373 are being amended in accordance with CPSC requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, and non full-size cribs as defined in 16 CFR 1220. Effective June 28, 2011, all cribs manufactured and sold (including resale)

were required to meet the new federal safety standards. The new standards, which apply to full-size and non full-size cribs, prohibit the manufacture or sale of traditional drop-side rail cribs, strengthen crib slats and mattress supports, improve the quality of hardware, and require more rigorous safety testing. All cribs in use in licensed child care settings must meet the new requirements by December 28, 2012.

#### Title 67

### SOCIAL SERVICES

## Part III. Economic Stability and Self-Sufficiency

### Subpart 21. Child Care Licensing

#### Chapter 73. Day Care Centers

#### Subchapter A. Licensing Class "A" Regulations for Child Care Centers

#### §7304. Definitions

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*Children's Product Certificate (CPC)*—a certificate that certifies that such children's product complies with the children's product safety rule based on the assessment of a third-party conformity assessment body accredited and accepted by the commission to conduct such tests and identifies: the product covered by the certificate, the safety regulation to which the product is being certified, the importer or domestic manufacturer, contact information for the individual maintaining records of test results, date and place where the product was manufactured, date and place where the product was tested, and identification of the third party laboratory on whose testing the certificate depends.

\*\*\*

*Infant*—a child who has not yet reached his/her first birthday.

\*\*\*

*Registration Card*—a postage-paid consumer registration form provided by the manufacturer with each product. Registration Cards shall identify the manufacturer's name and contact information, model name, model number, and the date of manufacture.

\*\*\*

*Tracking Label*—a permanent, distinguishing mark on the product and its packaging, to the extent practicable, which shall contain certain basic information, including the source of the product, the date of manufacture, and cohort information, such as batch or run number.

\*\*\*

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1111 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2758 (December 2007), amended LR 36:848 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:

#### §7325. Furnishings and Equipment

A. - K ...

L. Individual and appropriate sleeping arrangements shall be made available for each child. An individual cot and/or mat of appropriate size, height, and material, sufficient to ensure each child's health and safety, shall be provided. The cot and/or mat shall be of adequate size to

ensure that the child's head and feet rest on the mat and/or cot. For programs serving children ages 6 and above only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.

M. A safety-approved crib shall be made available for each infant.

1. Effective December 28, 2012, each crib in use shall meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 *Code of Federal Regulations* (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.

2. A crib meets the requirements of this section if:

a. the crib has a tracking label which notes that the crib was manufactured on or after June 28, 2011; or

b. the provider has a registration card which accompanies the crib and notes that the crib was manufactured on or after June 28, 2011; or

c. the provider has obtained a Children's Product Certificate (CPC) certifying the crib as meeting requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.

3. A crib that does not meet the requirements of this Section shall be removed from the child care premises no later than December 27, 2012.

N. ...

O. Sheets for covering the cot or mat shall be provided by either the provider or the parent, unless the cots or mats are covered with vinyl or another washable surface. A labeled sheet or blanket for covering the child shall also be provided by either the provider or the parent.

P. ...

Q. Stackable cribs are prohibited.

R. ...

S. Each crib shall be equipped with a firm mattress and well-fitting sheets. Mattresses shall be of standard size so that the mattress fits the crib frame without gaps of more than 1/2 inch. Homemade mattresses are prohibited.

T. The minimum height from the top of the mattress to the top of the crib rail shall be 20 inches at the highest point.

U. - W. ...

X. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.

Y. Sleeping is prohibited in playpens and/or mesh-sided cribs.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:

#### Subchapter B. Licensing Class "B" Regulations for Child Care Centers

#### §7357. Definitions

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*Children's Product Certificate (CPC)*—a certificate that certifies that such children's product complies with the

children's product safety rule based on the assessment of a third-party conformity assessment body accredited and accepted by the Commission to conduct such tests and identifies: the product covered by the certificate, the safety regulation to which the product is being certified, the importer or domestic manufacturer, contact information for the individual maintaining records of test results, date and place where the product was manufactured, date and place where the product was tested, and identification of the third party laboratory on whose testing the certificate depends.

\* \* \*

*Infant*—a child who has not yet reached his/her first birthday.

\* \* \*

*Registration Card*—a postage-paid consumer registration form provided by the manufacturer with each product. Registration Cards shall identify the manufacturer's name and contact information, model name, model number, and the date of manufacture.

\* \* \*

*Tracking Label*—a permanent, distinguishing mark on the product and its packaging, to the extent practicable, which shall contain certain basic information, including the source of the product, the date of manufacture, and cohort information, such as batch or run number.

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:334 (February 2010), LR 36:850 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:

### **§7373. Physical Plant and Equipment**

A. - B.7. ...

8. Individual and appropriate sleeping arrangements shall be made available for each child. An individual cot and/or mat of appropriate size, height, and material, sufficient to ensure each child's health and safety, shall be provided. The cot and/or mat shall be of adequate size to ensure that the child's head and feet rest on the mat and/or cot. For programs serving children ages 6 and above only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.

9. ...

10. A safety-approved crib shall be made available for each infant.

a. Effective December 28, 2012, each crib in use shall meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.

b. A crib meets the requirements of this section if:

i. the crib has a tracking label which notes that the crib was manufactured on or after June 28, 2011; or

ii. the provider has a registration card which accompanies the crib and notes that the crib was manufactured on or after June 28, 2011; or

iii. the provider has obtained a Children's Product Certificate (CPC) certifying the crib as meeting requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.

c. A crib that does not meet the requirements of this Section shall be removed from the child care premises no later than December 27, 2012.

11. Stackable cribs are prohibited.

12. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.

13. Each crib shall be equipped with a firm mattress and well-fitting sheets. Mattresses shall be of standard size so that the mattress fits the crib frame without gaps of more than 1/2 inch. Homemade mattresses are prohibited.

14. The minimum height from the top of the mattress to the top of the crib rail shall be twenty inches at the highest point.

15. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.

16. Sleeping is prohibited in playpens and/or mesh-sided cribs.

17. Sheets and coverings shall be changed immediately when soiled or wet.

18. While in use, cribs, cots, and/or mats shall be placed 18 inches apart.

C. - C.7. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), amended LR 39:

### **Family Impact Statement**

1. What effect will this Rule have on the stability of the family? There will be no effect on the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? Licensing standards are being promulgated to comply with the mandates of federal safety standards for full-size and non full-size baby cribs to provide additional measures to protect the health, safety, and welfare of children that receive care in licensed child care settings.

3. What effect will this have on the functioning of the family? There will be no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? There will be no effect on family earnings and the family budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no



effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this is strictly a department function.

#### Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Public Comments

All interested persons may submit written comments through, December 27, 2012, to Sammy Guillory, Deputy Assistant Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70821-9065.

#### Public Hearing

A public hearing on the proposed Rule will be held on December 27, 2012, at the Department of Children and Family Services, Iberville Building, 627 N. Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call Area Code 225-342-4120 (Voice and TDD).

Suzy Sonnier  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Crib Standards**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule proposes to amend Louisiana Administrative Code (LAC) 67, Part III, Subpart 21, Chapter 73 Day Care Centers, Sections 7304, 7325, 7357 and 7373, to incorporate the new federal crib safety standards that were approved by the United States Consumer Product Safety Commission (CPSC) in December 2010 for full-size and non full-size baby cribs. Effective June 28, 2011, federal standards required all cribs manufactured and sold (including resale) to comply with new and improved safety standards. The new rules prohibit the manufacture or sale of traditional drop-side rail cribs, strengthen crib slats and mattress supports, improve the quality of hardware, and require more rigorous safety testing. Beginning December 28, 2012, the Department of Children and Family Services (DCFS) will require that all cribs in licensed child care settings meet the new requirements.

The only cost associated with this proposed rule is the cost of publishing rulemaking which is estimated to be approximately \$1,804.00 (\$902.00 State General Fund and \$902.00 Federal funds) in FY 13. This is a one-time cost that is routinely included in the department's annual operating budget.

#### 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 governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

DCFS notified child care providers in a letter dated July 22, 2011 of the new federal safety standards for cribs and that Licensing section of the department will monitor compliance with the federal law beginning December 28, 2012. Although this proposed rule may result in increased costs to providers as a result of purchasing new cribs that meet new Federal standards, the department is unable to estimate the costs to those affected due to unknown factors such as the price, brand, size, or number of cribs that will be purchased.

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

There is no estimated impact on competition and employment.

Suzy Sonnier  
Secretary  
1211#124

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District and State Accountability System—School Performance Categories (LAC 28:LXXXIII.1102)

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 for advertisement revisions to *Bulletin 111: The Louisiana School, District and State Accountability System* §1102. Academic Watch and Academically Unacceptable Schools (AUS). The current AUS bar is 75 out of 200. Under the new policy, the AUS bar is being changed to 50 out of 150. Also, the language in the policy related to Academic Watch schools was deleted as this category no longer exists. These changes were made to align these policies with the new accountability formula which rescaled the performance score range so that 100 approximates 100 percent proficiency for all students and a score of 150 represents all students demonstrating Advanced.

#### Title 28 EDUCATION

#### Part LXXXIII. Bulletin 111—The Louisiana School, District and State Accountability System Chapter 11. School Performance Categories §1102. Academically Unacceptable Schools (AUS)

A. Schools with a baseline SPS below 50.0 shall be identified as an academically unacceptable school (AUS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2121 (July 2011), amended LR 39:

#### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption,

repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the regulatory flexibility act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., December 9, 2012, to Heather Cope, Executive Director, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Heather Cope  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Bulletin 111—The Louisiana School, District and State Accountability System**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in an increase in costs or savings to state or local governmental units. The proposed revision changes the cut off score identifying an Academically Unacceptable School (AUS) to 50 out of 150. The current AUS bar is 75 out of 200. Also, the language in the policy related to Academic Watch schools was deleted as this category no longer exists. The proposed changes will align this policy with the new accountability formula which rescaled the performance score range so that 100 approximates 100% proficiency for all students and a score of 150 represents all students demonstrating Advanced.

#### **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 NONGOVERNMENTAL GROUPS (Summary)**

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1211#069

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District and State Accountability System—School Performance Score Component (LAC 28:LXXXIII.301, 409, 517, 612 and 613)

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 for advertisement revisions to *Bulletin 111: The Louisiana School, District and State Accountability System* §301. School Performance Score Goal, §409. Calculating a 9-12 Assessment Index, §517. Inclusion of Students, §712. Calculating a Cohort Graduation Index, and §613. Calculating a Graduation Index. The revision to Section 301 doubles the subgroup bonus for special education students to further incentivize growth. Section 409 was revised to allow students who took an End-of-Course (EOC) test in middle school and did not achieve proficiency to retake the EOC test in high school. Section 409 will also allow ACT scores to count through March of the senior year. Previous policy had a deadline of March of the junior year. The revision to Section 517 changes the definition of a Full Academic Year and the revision to Section 612 is a change to the formula used to calculate the cohort graduation rate. Revisions to Section 613 allow for a transition of one year to include points for seniors in 2011-2012 who graduate with a diploma endorsement and also increases the points available for fifth year graduates demonstrating the highest levels of proficiency.

#### **Title 28 EDUCATION**

#### **Part LXXXIII. Bulletin 111—The Louisiana School, District and State Accountability System Chapter 3. School Performance Score Component §301. School Performance Score Goal**

A. - C.4.b. ...

D. Bonus Points

1. The school performance score will also be affected by the bonus points earned from growth calculated for the non-proficient student subgroup (i.e., super subgroup). To be eligible for bonus points, the school must have:

a. at least 10 students in the non-proficient subgroup, as identified for subgroup membership based on prior year assessment scores; and

b. a minimum of 35 percent of the students in the non-proficient subgroup meet or exceed their expected growth, as determined by the value-added model for students in grades K-8 and as determined by the ACT series for students in grades 9-12;

c. if 1a and 1b are met, then the number and the percent of students will be multiplied by 0.1, and the higher of the two products will be used to assign bonus points. For

students who are identified as special education, the multiplier will be 0.2.

D.2. - D.3.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 39:

**Chapter 4. Assessment, and Dropout/Credit Accumulation Index Calculations**

**§409. Calculating a 9-12 Assessment Index**

A. All operational end-of-course (EOC) tests will be used in the calculation of the EOC assessment index.

1. All subjects will be weighted equally.
2. The EOC performance level will be used in the calculation of the EOC assessment index as described in the chart below.

EOC Performance Level	Index Points
Excellent	150
Good	100
Fair	0
Needs Improvement	0

3. Algebra I and English II EOC proficient test scores of "Good" or "Excellent" earned by students at a middle school will be included in the SPS calculations of the high school to which the student transfers. The scores will be included in the accountability cycle that corresponds with the students' first year of high school. Middle schools will earn incentive points for all EOC test passing scores the same year in which the test was administered.

- a. Incentive Points will be awarded as follows.
  - i. Excellent = 50
  - ii. Good = 25

3. Algebra I and English II EOC test scores considered "not proficient" (Needs Improvement, Fair) will not be transferred, or banked, to the high school. Students will retake the test at the high school, and the first administration of the test at the high school will be used in the calculation of the assessment index the same year in which it was earned.

B. The ACT composite score will be used in the calculation of the ACT assessment index as described in the chart below. To the extent practicable, a student's highest earned score for any ACT administration shall be used in the calculation.

ACT Composite	Index Pts
0-17	0
18	100
19	102.8
20	105.6
21	108.4
22	111.2
23	114
24	116.8
25	119.6
26	122.4
27	125.2

ACT Composite	Index Pts
28	128
29	130.8
30	133.6
31	136.4
32	139.2
33	142
34	144.8
35	147.6
36	150.4

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), LR 37:3200 (November 2011), LR 39:

**Chapter 5. Inclusion in Accountability §517. Inclusion of Students**

A. The test score of every student who is enrolled in any school in a LEA on October 1 of the academic year and who is eligible to take a test at a given school within the same LEA shall be included in the LEA's district performance score (DPS). The score of every student that will count in the DPS will be counted at the school where the student was enrolled on February 1 for SPS and subgroup AYP. For EOC tests taken in December the scores will count in the SPS at the school where students are enrolled for the test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 31:2422 (October 2005), LR 31:2764 (November 2005), LR 33:2594 (December 2007), LR 39:

**Chapter 6. Graduation Cohort, Index, and Rate §612 Calculating a Cohort Graduation Index**

A. To calculate the cohort graduation index, the following formulas shall be used.

Cohort Graduation Rate	Formula Used
0% to 60%	$CGR \times 1.166667$
61% to 100%	$(CGR \times 2) - 50$

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:

**§613. Calculating a Graduation Index**

A. Points shall be assigned for each member of a cohort during the cohort's fourth year of high school according to the following table.

Student Result	Points
HS Diploma plus AP score of at least 3 OR IB Score of at least 4	150
Academic OR Career/Technical Endorsement (For 2012-13 only)	135
TOPS Opportunity Award (For 2012-13 only)	120
BESE Approved Industry Based Certification OR Dual Enrollment OR AP score of 1 or 2 OR IB score of 1, 2, or 3 if the corresponding course is passed.	110

Student Result	Points
Regular HS Diploma	100
GED	25
Non-graduate without GED	0
5 <sup>th</sup> Year Graduate plus AP score of at least 3 OR IB Score of at least 4	150
5 <sup>th</sup> Year Graduates	75

B. The graduation index of a school shall be the average number of points earned by cohort members.

C. For each student who graduates in the fifth year, 75 points shall be awarded to the graduation index. An additional 75 points shall be awarded to fifth year graduates who also have a score of at least 3 on an AP test or a score of at least 4 on an IB test.

a. The diploma must be earned no later than the third administration of the summer retest following the fourth year of high school of the students' cohort. For example, a student who finishes the fourth year of high school in 2012 must complete the assessment requirements before or during the 2014 summer test administration.

b. When related to awarding fifth year graduate points, the enrollment must be continuous and consist of at least 45 calendar days.

D. To insure the accuracy of data used to calculate the graduation index, the calculation shall lag one year behind the collection of the data (the index earned by the graduating class of 2012 will be used for 2013 accountability calculations).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 39:

#### Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

#### Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., December 9, 2012, to Heather Cope, Executive Director, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Heather Cope  
Executive Director

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Bulletin 111—The Louisiana School, District and State Accountability System—School Performance Score Component

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in an increase in costs or savings to state or local governmental units. The revision to Section 301 doubles the subgroup bonus for special education students to further incentivize growth. Section 409 was revised to allow students who took an End-of-Course (EOC) test in middle school and did not achieve proficiency to retake the EOC test in high school. Section 409 will also allow ACT scores to count through March of the senior year. Previous policy had a deadline of March of the junior year. The revision to Section 517 changes the definition of a Full Academic Year and the revision to Section 612 is a change to the formula used to calculate the cohort graduation rate. Revisions to Section 613 allow for a transition of one year to include points for seniors in 2011-2012 who graduate with a diploma endorsement and also increases the points available for fifth year graduates demonstrating the highest levels of proficiency.

#### 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 NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

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

There will be no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1211#070

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Programs of Study (LAC 28:LXXIX.107, 109, 110, 111, and 113)

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 for advertisement revisions to *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Programs of Study*: §107. School Approval; §109. Initial Classification; §110 Initial Classification for New Schools; §111. Re-Applying for State Approval; and §113. School Self Evaluation. The proposed policy revision will revise the framework by which nonpublic schools are approved by the Board of Elementary and Secondary Education based upon significant input from external stakeholders who might be affected by the revisions.

#### Title 28 EDUCATION

#### Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Programs of Study

#### Chapter 1. Operation and Administration §107. School Approval

A. - D. ...

E. Classification Categories. Schools shall be classified according to the following categories.

1. Approved (A)—school meets all standards specified in Standards for Approval of Nonpublic Schools. There shall be two types of approved schools:

- a. Accredited Approved School—school is
  - i. currently accredited by the Southern Association of Colleges and Schools (SACS); or
  - ii. a member the National Association of Independent Schools (NAIS); and
  - iii. the school meets all other criteria established by this Bulletin for BESE approval.
  - iv. The LDE may also accept accreditation from other school accreditation agencies, but may require the submission of additional information from the school so as to ensure consistent quality.
- b. Non-accredited Approved School—school is not currently accredited by SACS or a member of NAIS, but has met all criteria established by this Bulletin for approval.

2. Registered—school is not accredited by SACS or NAIS and has not met the criteria established by the Department for approval, or does not wish to seek state approval.

F. Accredited schools shall be approved by BESE for the duration of such accreditation, up to five years. BESE approval shall be reviewed in the school year following the renewal of such accreditation. Each accredited, approved school shall annually demonstrate to the LDE that the school meets the health, safety, and welfare requirements as established in this bulletin. Additionally, each accredited, approved high school shall annually demonstrate to the LDE that it is providing an appropriate four year course of study.

G The LDE shall conduct an annual review of non-accredited schools seeking approval, and shall recommend to BESE whether such approval should be granted. Any such LDE review may include site visits, and shall include a review of the following:

1. Academic quality, including:
  - a. the school's purpose and direction;
  - b. the school's leadership;
  - c. the school's instructional practices;
  - d. the school's curriculum; and
2. Student health, safety, and welfare, pursuant to the guidelines established in this bulletin

H. The Department of Education shall submit to the SBESE a yearly report recommending the classification status of the nonpublic schools in accordance with the nonpublic school standards.

I. After the annual school reports are submitted by the State Department of Education to the State Board of Elementary and Secondary Education (SBESE) for approval, all nonpublic schools seeking to change their classification category must submit their request to the SBESE. BESE may, upon the recommendation of the Department that standards have been met for the desired approval status, change the classification of a nonpublic school.

J. BESE may revoke any nonpublic school's approval at any time if it determines that the health, safety, or welfare of students has been jeopardized.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:

#### §109. Initial Classification

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005), LR 32:1416 (August 2006), LR 32:2237 (December 2006), repealed LR 39:

#### §110. Initial Classification for New Schools

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:2237 (December 2006), repealed LR 39:

#### §111. Re-Applying for State Approval

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005), repealed LR 39:

#### §113. School Self-Evaluation

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005), repealed LR 39:

**Family Impact Statement**

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., December 9, 2012, to Heather Cope, Executive Director, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Heather Cope  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana  
Handbook for Nonpublic School  
Administrators—Programs of Study**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy. The proposed policy revision will revise the framework by which nonpublic schools are approved by the Board of Elementary and Secondary Education.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits are anticipated for directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1211#068

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Scholarship/Grant Programs  
LSMSA Equivalent Courses  
(LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5, and R.S. 17:3048.6).

This rulemaking revises and adds courses to the list of courses that may be used by students at the Louisiana School for Math, Science and the Arts as courses equivalent to the courses in the Taylor Opportunity Program for Students (TOPS) core curriculum. (SG13143NI)

**Title 28**

**EDUCATION**

**Part IV. Student Financial Assistance—Higher  
Education Scholarship and Grant Programs  
Chapter 7. Taylor Opportunity Program for Students  
(TOPS) Opportunity, Performance, and  
Honors Awards**

**§703. Establishing Eligibility**

A. - A.5.a.ii(d) ...

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iii.(a). Through academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a.i above, in addition to the courses identified in §703.A.5.a.ii, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English III	EN 210 Composition/Major Themes in Literature (1 unit)
English IV	Any 2 of the following 1/2 unit courses: EN 311 Readings in Literature (at least one 311 course is a requirement) EN 311A American Literature EN 311B British Literature EN 302 Studies in the English Language EN 304 Topics in American and British Literature EN 312 Studies in Poetry

Core Curriculum Course	Equivalent (Substitute) Course
	EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author— Shakespeare EN 422 Studies in a Major Author— Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry
Physics	PH 110L Conceptual Physics (1 unit), or PH 210L General Physics (1 unit), or PH 250L Advanced Placement Physics (1 unit), or PH 310L Physics with Calculus
Biology II	BI 210L Advanced Placement Biology (1 unit), or BI 231L Microbiology (1/2 unit), and BI 241 Molecular and Cellular Biology (1/2 unit)
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit), and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

(b). Beginning with the academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a.i above, in addition to the courses identified in §703.A.5.a.ii, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English II	EN 110 Introduction to Writing and Literature (1 unit)
English III	EN 210 Composition/ Literature (1 unit)

Core Curriculum Course	Equivalent (Substitute) Course
English III	1/2 unit EN 311A and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author— Shakespeare EN 422 Studies in a Major Author— Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
English IV	1/2 unit EN 311B or EN 311W and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author— Shakespeare EN 422 Studies in a Major Author— Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Advanced Math	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Advanced Math
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry
Biology II	Any combination of 1/2 unit Biology Lab science courses which equal 1 unit of course credit that are certified by the school to be equivalent of Biology II: BI 210L Cells and Genetics and BI 202L Evolution and Biodiversity (1 unit combined), or

Core Curriculum Course	Equivalent (Substitute) Course
	1 unit from the following 1/2 unit courses: BI 231L Microbiology BI 253L Botany BI 246L Ecology
Chemistry II	Any combination of 1/2 unit Chemistry lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Chemistry II: CH 201L and CH 202L (1 unit combined) or 1 unit from the following 1/2 unit courses: CH 313L Analytical Chemistry, CH 314L Polymer Chemistry
Physics I	PH 101L and PH 102L Accelerated Physics I (1 unit combined), or PH 201L and PH 202L Accelerated Physics II (1 unit combined)
Physics II	Any combination of 1/2 unit Physics lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Physics II, or PH 301L and PH 302L (1 unit combined) or 1 unit from the following 1/2 unit courses: PH 203L Intro to Astronomy; PH 303L Observational Astronomy and Astrophotography PH 305L Electronics PH 306L Astrophysics
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit) and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
Advanced Social Studies	Any combination of history courses certified by the school to be the equivalent of one unit of World History, World Geography, Western Civilization, AP European History: 1 unit of credit from the following 1/2 unit courses: EH 231 History of Tudor-Stuart England EH 232 History of Modern Britain EH 244A European Intellectual History WH 244 Selected Topics in World History

A.5.b. - J.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125

(February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 39:

#### Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

#### Small Business Statement

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

#### Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

#### Public Comments

Interested persons may submit written comments on the proposed changes (SG13143NI) until 4:30 p.m., December 10, 2012, to Melanie Amrhein, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge  
General Counsel

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Scholarship/Grant Programs LSMSA Equivalent Courses

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

In accordance with the requirements of R.S. 17:3048.1.C(2)(e) and with the concurrence of BESE and Regents, the proposed rule change modifies the Scholarship and Grant Program rules to update and modify the listing of Louisiana School for Math, Science and the Arts courses that are considered equivalent (substitute) courses to the TOPS core curriculum requirements effective for students graduating during the 2011-2012 high school academic year and thereafter. There are no estimated implementation costs or savings to state or local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governments will not be affected by the proposed changes.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated effects on economic benefits to directly affected persons or non-governmental groups resulting from these measures.

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

There are no anticipated effects on competition and employment resulting from these measures.

George Badge Eldredge  
General Counsel  
1211#002

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office



**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Division**

Conrad Industries Delisting (LAC 33:V.4999)(HW111)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.4999, Appendix E. (HW111)

Conrad Industries Inc. (Conrad) is petitioning to exclude from the hazardous waste regulations (delist) approximately 4,000 tons of aggregate generated and used as fill in 1986. This is a one time delisting which applies to the particular aggregate used as fill in the "Rim Tide" barge slip located in Amelia, Louisiana. The delisting program is regulated by LAC 33:V.105 which includes a formal rulemaking process. The applicants who wish to remove a waste from the list of hazardous wastes must submit a petition and satisfy all requirements of LAC:33.V.105. The exclusion, if granted, applies only to the 4,000 tons of aggregate used as fill in the "Rim Tide" barge slip area located in Amelia, Louisiana. LDEQ has reviewed Conrad's petition and found it satisfies the delisting requirements of LAC 33:V.105.M. LDEQ used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment. Conrad purchaed 4,000 tons of aggregate in 1986 for the use as fill from Marine Shale Processors, Inc. (MSP). The aggregate was generated as the ash or residue of MSP's incineration of various wastes, including hazardous wastes and contaminated media. Information on the sources of the waste is limited. Conrad was requested to analyze for all listed hazardous wastes. The basis and rationale for this Rule is to grant the petition based on the information submitted by Conrad, the results of the analytical data and the results of the Delisting Risk Assessment Software (DRAS). From this information, there was no obvious adverse effect on human health or the environment. Conrad has complied with the Delisting requirements as outlined in LAC 33.V.105. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental**

**Quality—Hazardous Waste**

**Chapter 49. Lists of Hazardous Wastes**

Editor's Note: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).

**§4999. Appendices—Appendix A, B, C, D, E, and F**

Appendix A. - Appendix D. ...

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Appendix E, A. - B.3.b. ...

<b>Table 1—Wastes Excluded</b>
<b>BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA</b>
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<b>Table 1—Wastes Excluded</b>
<b>DuPont Dow Elastomers LLC, LaPlace, LA</b>
***

<b>Table 1—Wastes Excluded</b>
<b>Lyondell Chemical Company, Lake Charles, LA</b>
***

<b>Table 1—Wastes Excluded</b>
<b>Marathon Oil Co., Garyville, LA</b>
***

<b>Table 1—Wastes Excluded</b>
<b>Motiva Enterprises LLC, Norco, LA</b>
***

<b>Table 1—Wastes Excluded</b>
<b>Syngenta Crop Protection, Inc., St. Gabriel, LA</b>
***

<b>Table 2—One-Time Wastes Excluded</b>
<b>Murphy Exploration and Production Company, Amelia, LA</b>
***

<b>Table 2—One-Time Wastes Excluded</b>
<b>Conrad Industries, Inc. (Conrad), Morgan City, LA</b>
Hazardous waste incinerator ash was generated as a product of the combustion of hazardous wastes and nonhazardous wastes in a rotary kiln incinerator at Marine Shale Processors in Amelia, LA (MSP). In 1986, this aggregate was used as fill material for the former slip area at Conrad Industries, Inc. (Conrad) located in Morgan City, Louisiana. For the purpose of this exclusion, aggregate used as fill material by Conrad includes all hazardous waste codes listed in LAC 33:V.4901. This is a one-time exclusion for a maximum volume of 4,000 cubic yards of aggregate subsequent to its excavation from the former slip area located in Morgan City, LA for the purpose of transportation and disposal in a Subtitle D landfill after (DATE OF PROMULGATION).

Appendix F. - Appendix F, B.3. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007),

LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 39:

#### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW111. Such comments must be received no later than January 3, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW111. These proposed regulations are available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

#### Public Hearing

A public hearing will be held on December 27, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
Executive Counsel

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Conrad Industries Delisting

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units for implementing this proposed rule change. Conrad Industries Inc. (Conrad) is requesting a one-time exclusion from the hazardous waste regulations (delist) of approximately 4,000 tons of aggregate purchased, and used to fill the "Rim Tide" barge slip area (slip area). The delisting will be limited to the aggregate that was used as fill at the slip area. The proposed rule change allows this one-time exclusion.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will result in the state collecting approximately \$144,000 less in tax revenue in FY 14. Prior to the proposed rule change the state would have collected, on a

one-time basis (based on the 2011 levels), the associated tax revenue from the hazardous waste disposal tax (\$40/ton) or a total of \$160,000 when the former slip area is remediated. In addition, the tax on equipment and services (\$18,000) would also be collected, for a total of approximately \$178,000.

Alternatively, the state will collect the associated tax revenue (based on the 2011 levels) in nonhazardous solid waste disposal tax revenue (\$4/ton) when the Rim Tide slip area is remediated (\$16,000). The same tax on equipment and services (\$18,000) would also be collected, for a total of approximately \$34,000.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Conrad Industries Inc. (Conrad) will realize a savings of about \$1.5 million when this delisting is approved. The savings is the difference in cost between remediating a hazardous waste site and remediating a solid waste site. Conrad will benefit from the delisting of the aggregate because once the slip area is remediated, Conrad will be able to use the area for other purposes. The delisting of the aggregate will not relieve Conrad from any liability that might arise from the use or disposal of the wastes.

Louisiana contractors and its workers will also benefit from the delisting. If the delisting petition is granted, Conrad will be able to begin remediating the slip area. This will involve hiring a consulting company to design and submit a remediation plan to the department for approval and hiring a contracting firm to remediate the area. The remediation project will cost from \$60,000 to \$600,000. This money will go to workers and for use of equipment to remediate the area.

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

Delisting the aggregate will have a negligible effect on competition. The remediation project will provide new jobs for the local area. The remediation activities will involve short-term environmental, laboratory, and construction related employment.

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Executive Counsel  
1211#027

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary Legal Division

Control of Emissions of Organic  
Compounds—Fugitive Emission Control  
(LAC 33:III.2121, 2122, and 2199)(AQ313)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2121, 2122 and 2199, Appendix B (AQ313).

This Rule will revise air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122. Several definitions have been added to conform to definitions in the federal new source performance standards (NSPS) of 40 CFR 60. Under the control requirements, leak definitions are expanded to

include leaks that can be imaged by an optical gas imaging instrument when following the federal alternative work practice (AWP) as described in 40 CFR 60.18. Under the monitoring requirements, the regulations have been changed to allow substitution of optical gas imaging and method 21 monitoring per the federal AWP.

The fugitive emission control for ozone nonattainment areas regulations (LAC 33:III.2122) have been changed to clarify conflicting requirements for leaks detected by visual, audible, or olfactory means. This Rule clarifies the conflicting requirements for pumps and valves in heavy liquid service, specifically, LAC 33:III.2122.C.1.d, D.3.b, and D.4.b.

In the control requirements Subsection, the open-ended line and double block and bleed provisions of LAC 33:III.2122.C.2 have been clarified and expanded utilizing language from the federal regulations. In the control requirements section, conditions have been added to verify when a repair is successful. In addition, conditions have been added under which equipment may be removed from the delay of repair list.

In the monitoring requirements Subsection, the alternative monitoring program exemption for facilities that already have a more stringent LDAR program at the time of initial promulgation has been expanded to include the Louisiana Consolidated Fugitive Emission Program (LCFEP). The LCFEP provides a mechanism for affected facilities to consolidate overlapping state and federal LDAR programs. A description of the program has been placed in the Chapter 21 appendix (LAC 33:III.2199, Appendix B).

Similar changes have been made for the fugitive emission control regulation (LAC 33:III.2121). The changes for LAC 33:III.2121 and 2122 do not modify the leak definitions and will not alter the position of LAC 33:III.2121 and 2122 in the Louisiana Consolidated Fugitive Emission Program Stringency Table.

The basis and rationale for this Rule is that LAC 33:III.2121 (Fugitive Emission Control) and LAC 33:III.2122 (Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes) require establishment of equipment leak monitoring and repair programs for specific industries in order to minimize emission of volatile compounds into the air.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

## Title 33 ENVIRONMENTAL QUALITY

### Part III. Air

#### Chapter 21. Control of Emission of Organic Compounds

##### Subchapter A. General

##### §2121. Fugitive Emission Control

A. Applicability. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

1. - 9. ...

B. Definitions. Terms used in this Section are defined in LAC 33:III.111.A of these regulations with the exception of those terms specifically defined in this Section as follows.

*Alternative Work Practice (AWP)*—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

*Connector*—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment, or that close an opening in a pipe that could be connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

*Difficult-to-Monitor*—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

*Double Block and Bleed System*—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

*Equipment*—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

*Force Majeure*—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

- a. acts of nature;
- b. acts of war or terrorism; or
- c. equipment failure or safety hazard beyond the control of the affected facility.

*In Gas/Vapor Service*—equipment that contains a VOC in a gas or vapor state at operating conditions.

*In Heavy Liquid Service*—equipment that is not in gas/vapor service or in light liquid service.

*In Light Liquid Service*—

a. equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F) (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure.);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions;

b. as an alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

*In Liquid Service*—equipment that is not in gas/vapor service.

*Inspect*—examine the component for visible, audible, or olfactory evidence of a leak.

*Instrumentation System*—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches or smaller and connectors nominally 0.75 inches or smaller in diameter are considered part of *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

*In Vacuum Service*—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

*In VOC Service*—

a. for petroleum refineries, SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities:

i. a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight;

b. for natural gas processing plants:

i. a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

*Monitor(ed)*—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

*Open-Ended Valve or Line*—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

*Optical Gas Imaging Instrument*—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

*Process Drain*—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

*Process Unit*—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

*Process Unit Shutdown*—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered *process unit shutdowns*:

a. an unscheduled work practice or operational procedure that stops production from a process unit, or part of a process unit, for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled *process unit shutdown*;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

*Repair*—adjust or otherwise alter equipment in order to eliminate a leak.

*Unsafe-to-Monitor*—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

### C. Fugitive Emission Control Requirements

#### 1. Leak Limitations

a. No component listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC exceeding an instrument reading of 10,000 parts per million (ppm), as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), which can be imaged following the *alternative work practice (AWP)* as defined in Subsection B of this Section, or to demonstrate visible, audible, or olfactory evidence of a leak.

#### 2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, blind flange, plug, or cap. These sealing devices may only be removed when the line is in use (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (e.g., pressure relief devices) which are designed to open automatically in the event of a process upset are exempt from the requirements of Subparagraph C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious over pressure, or other safety hazard if sealed or equipped with a double block and bleed system are exempt from the requirements of Subparagraph C.2.a of this Section.

#### 3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Subparagraph C.1.a or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is *monitored* as defined in Subsection B of this Section (or remonitored) to verify that the instrument reading is below the applicable leak definition in Subparagraph C.1.a of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Equipment on the delay-of-repair list shall be repaired by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to the public health or environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Subparagraph C.1.a of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Subparagraph C.1.a of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are nonroutine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). Note. The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.]

D. Monitoring and Inspection Requirements. Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection by use of Method 21, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor the following components one time per calendar year (annually):

- i. pumps in light liquid service at refineries;
- ii. valves in light liquid service at refineries; and
- iii. process drains;

b. monitor the following components four times per year (quarterly):

- i. compressor seals;
- ii. valves in gas/vapor service;
- iii. pressure relief valves in gas/vapor service;

iv. valves in light liquid service at SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; and

v. pumps in light liquid service at SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities;

c. inspect pump seals visually 52 times a year (weekly).

2. Natural gas processing plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly).

b. monitor the following components four times a year (quarterly):

- i. pumps in light liquid service;
- ii. compressor seals;
- iii. valves in light liquid service and valves in gas/vapor service; and

iv. pressure relief valves in gas/vapor service.

3. Facilities listed in Paragraphs D.1 and 2 of this Section shall perform the following:

a. monitor any pressure relief valve in gas/vapor service within five calendar days after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions would allow the component to be safely monitored;

b. within five calendar days, any component listed in Paragraphs A.1-9 of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored (using either Method 21 or the AWP); or

iii. designated as a leak (pursuant to Method 21 or the AWP);

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks designated as a leak or confirmed to be in excess of the applicable leak limitation in Subparagraph C.1.a of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year (annually);

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.a.ii, D.1.b.ii, D.1.b.iv, or D.2.b.iii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by Method 21; and

iii. is monitored for compliance with Clause .D.3.e.ii of this Section initially upon designation and once per calendar year thereafter;

g. equipment that begins operation after the initial start-up date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later. equipment that replaces leaking equipment shall continue on the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later.

4. Exemptions. Monitoring and inspections are not required on the following:

a. check valves;

b. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of transporting leakage to a control device;

c. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

d. equipment in vacuum service;

e. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

f. components contacting only organic compounds exempted in LAC 33:III.2117 or mixtures of same with water;

g. pumps and compressors that are sealless or have a double mechanical seal;

h. pumps designed with no external shaft penetrating the pump housing;

i. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

j. insulated or buried equipment;

k. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Subparagraph C.3.c of this Section in order to remove equipment from the delay-of-repair list; and

l. process drains at petroleum refineries subject to New Source Standards, 40 CFR 60.690-699 (Subpart QQ) as incorporated by reference in LAC 33:III.3003.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the *administrative authority*\* as defined in LAC 33:III.111.A. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a Source Notice and Agreement or a Title V permit) is

exempted from the requirement of submitting a description of the program to the administrative authority\*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves and Pumps subject to Subparagraph D.1.b or D.2.b of this Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b or c of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

c. After five consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

d. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) increases to greater than 2.0 after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the owner or operator shall comply with the requirements as described in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

2. Alternate Standards for Valves and Pumps Subject to Subparagraph D.1.b or D.2.b—Increased Monitoring Frequency. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1. (Equation 1 shall be calculated separately for each component type.)

$$\%C_{TI} = [C_L + C_{TU}] / [C_T + C_{TU}] * 100\% \text{Equation 1}$$

where:

$\%C_{TI}$  = total percent of leaking components including delay-of-repair components

$C_L$  = number of components found leaking by Method 21 during the monitoring period, not including components re-monitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

$C_{TU}$  = number of components on the delay-of-repair list at the end of the previous monitoring period

$C_T$  = number of components monitored by Method 21 during the monitoring period, not including components re-monitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

#### F. Recordkeeping

1. When a component has a leak that cannot be repaired, as described in Subparagraph C.3.a of this Section, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired, the tag may be removed.

2. A survey log shall be maintained by the operator which shall include the following:

- a. the name of the process unit where the leaking component is located;
- b. the type of leaking component;
- c. the stream identification at the leak;
- d. the identification number from the tag required by Paragraph F.1 of this Section;
- e. the date the leak was located;
- f. the date maintenance was performed;
- g. the date the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);
- h. a record of the monitor calibration or AWP daily instrument check;
- i. a delay-of-repair list;
- j. a bypassed or isolated component list; and
- k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2

of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services for each calendar quarter during the reporting period. The reports are due by the last day of the month (i.e., January 31 and July 31) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored and the total percent of leaking and delay-of-repair components (see Equation 1 of this Section) for each component type for which alternate control techniques are allowed by Subsection E of this Section;

2. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

- a. the name of the process unit where the leaking component is located and the date of last unit shutdown;
- b. the type of the leaking component;
- c. the stream identification at the leak;
- d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;
- e. the date the leak was located;
- f. the monitoring or inspection results;
- g. the date maintenance was performed;
- h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and
- i. the reason repairs failed or were postponed;

3. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), amended by the Office of the Secretary, Legal Division, LR 39:\*\*.

### §2122. Fugitive Emission Control for Ozone

#### Nonattainment Areas and Specified Parishes

##### A. Applicability

1. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

a. - i. ...

2. The requirements of this Section shall be applicable to sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge effective January 1, 1996.

3. The requirements of this Section shall be applicable to sources located in the parish of Calcasieu effective January 1, 2003.

4. When the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

5. Facilities listed in Paragraph A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, may become exempt from this Section by:

a. submitting a written notice to the *administrative authority*\* as defined in LAC 33:III.111.A informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, will be administered to obtain the exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, to leak limitations specified in Paragraph C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116;

c. including connectors as components monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves; and

d. increasing the monitoring frequency of valves only when the valves monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves, equal or exceed 2 percent of the valves leaking at or above 10,000 ppm.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

*Alternative Work Practice (AWP)*—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

*Connector*—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment, or that close an opening in a pipe that could be

connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

*Difficult-to-Monitor*—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

*Double Block and Bleed System*—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

*Equipment*—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector that is in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

*Force Majeure*—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified time frame despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

- a. acts of nature;
- b. acts of war or terrorism; or
- c. equipment failure or safety hazard beyond the control of the affected facility.

*Good Performance Level*—Repealed.

*Heavy Liquid Service*—Repealed.

*Inaccessible Valve*—Repealed.

*In Gas/Vapor Service*—equipment that contains a VOC in a gas or vapor state at operating conditions.

*In Heavy Liquid Service*—equipment that is not in gas/vapor service or light liquid service.

*In Light Liquid Service*—

a. equipment containing a fluid that meets all of the following conditions:

- i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F). (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure);
- ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and
- iii. the fluid is a liquid at operating conditions.

b. In the alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

*In Liquid Service*—equipment that is not in gas/vapor service.

*In Vacuum Service*—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

*In VOC Service*—for petroleum refineries, SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight. For natural gas processing plants, a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.



*Inspect*—examine the component for visible, audible, or olfactory evidence of a leak.

*Instrumentation System*—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller and connectors nominally 0.75 inches and smaller in diameter are considered *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

*Light Liquid*—Repealed.

*Light Liquid Service*—Repealed.

*Liquid Service*—Repealed.

*Monitor(ed)*—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

*Open-Ended Valve or Line*—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

*Optical Gas Imaging Instrument*—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

*Process Drain*—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

*Process Unit*—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

*Process Unit Shutdown*—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered process unit shutdowns:

a. an unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

*Repair*—adjust or otherwise alter equipment in order to eliminate a leak.

*Unrepairable Component*—Repealed.

*Unsafe-to-Monitor*—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

### C. Fugitive Emission Control Requirements

#### 1. Leak Limitations

a. No component listed in Subparagraphs A.1.a-i of this Section in petroleum refineries, SOCOMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall be allowed to emit VOCs exceeding an instrument reading of 1,000 parts per million (ppm) for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors; or 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or which can be imaged when following the *alternative work practice* as defined in Subsection B of this Section or to demonstrate visible, audible, or olfactory evidence of a leak.

b. No component listed in Subparagraphs A.1.a-i of this Section in natural gas processing plants shall be allowed to emit VOCs exceeding an instrument reading of 2,500 ppm for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or which can be imaged when following the AWP described in 40 CFR 60.18.

#### 2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but it shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (i.e., pressure relief devices) that are designed to open automatically in the event of a process upset, are exempt from the requirements of Subsection C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if sealed or equipped with a double block and bleed system, are exempt from the requirements of Subparagraph C.2.a of this Section.

#### 3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Paragraph C.1 or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is monitored (or remonitored) to verify that the instrument reading is below the applicable leak definition in Paragraph C.1 of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Repair of equipment on the delay-of-repair list shall occur by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to public health or the environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Paragraph C.1 of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Paragraph C.1 of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are non-routine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.

D. Monitoring and Inspection Requirements. Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCFI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor process drains one time per calendar year (annually).

b. monitor the following components four times per year (quarterly):

- i. compressor seals;
- ii. pressure relief valves in gas/vapor service;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pumps in light liquid service;

c. inspect pump seals visually 52 times a year (weekly);

d. inspect or monitor all flanged connectors in accordance with either Clause D.1.d.i or ii of this Section;

i. inspect all flanged connectors weekly by visual, audible, or olfactory means.

ii. monitor flanged connectors in light liquid and gas/vapor service four times per year (quarterly) as follows:

(a). either 200 or 10 percent, whichever is less, of the flanged connectors shall be monitored each quarterly period in accordance with a written sampling plan.

(b). the sampling plan shall ensure that at least 66 percent of the flanged connectors monitored each quarterly period shall not have been previously monitored, until all flanged connectors within the process unit have been monitored;

e. inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves and flanged connectors of an instrumentation system in accordance with Clauses D.1.b.iii and D.1.d.ii of this Section, respectively;

f. records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural Gas Processing Plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly);

b. monitor the following components four times a year (quarterly):

i. pumps in light liquid service;

ii. compressor seals;

iii. pressure relief valves in gas/vapor service; and

iv. valves in light liquid service and valves in gas/vapor service;

c. inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iv of this Section;

d. records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities listed in Paragraphs D.1 and 2 of this Section:

a. monitor any pressure relief valve in gas/vapor service within five calendar days after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions allow the component to be safely monitored;

b. within five calendar days, any component listed in Subparagraphs A.1.a-i of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored using either Method 21 or the AWP;  
or

iii. designated as a leak pursuant to Method 21 or the AWP;

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks either designated as a leak, or, confirmed to be in excess of the applicable leak limitation in Paragraph C.1 of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year;

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.b.iii or D.2.b.iv of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by Method 21; and

iii. is monitored for compliance with Clause D.3.e.ii of this Section initially upon designation and once per calendar year thereafter.

g. equipment that begins operation after the initial startup date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later. Equipment that replaces leaking equipment shall continue with the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later.

4. Exemptions and inspections are not required on the following:

a. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of capturing and transporting leakage to a control device;

b. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

c. equipment in vacuum service;

d. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

e. components contacting only organic compounds exempted under LAC 33:III.2117 or mixtures of same with water;

f. pumps and compressors that are sealless or have a double mechanical seal;

g. pumps designed with no external shaft penetrating the pump housing;

h. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

i. insulated or buried equipment;

j. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Clause C.3.c.i of this Section in order to attempt to remove equipment from the delay-of-repair list;

k. check valves;

l. process drains at petroleum refineries subject to New Source Standards, 40 CFR 60.690-699 (Subpart QQQ) as incorporated by reference in LAC 33:III.3003; and

m. process drains at facilities subject to LAC 33:III.2153.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the administrative authority\* and approval thereof. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a source notice and agreement or a title V permit) is exempted from having to submit a description of the program to the administrative authority\*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall

notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b, c, or e of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

c. After five consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

d. If, after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the percent of leaking valves (Equation 1) increases to greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) increases to greater than 4.0, the owner or operator shall comply with the requirements in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

e. Existing equipment that has been monitored under LAC 33:III.2121 for fugitives at the leak definition of 10,000 ppm can initially elect to use this alternate standard if the unit has data documented with the administrative authority by either January 1, 1996, or for the 12 months prior to becoming subject to this Section, that indicates the percent of leaking valves (Equation 1) is less than or equal to a 2.0 percent leak rate at 10,000 ppm for the required time periods as specified in Subparagraph E.1.b or c of this Section.

2. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of this Section—Increased Monitoring Frequency. If the percent of leaking valves (Equation 1) is greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) is greater than 4.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with the alternate work practice specified in Subparagraph E.3.b of this Section. However, the administrative authority shall be notified in writing before the alternate work practice is implemented.

b. After four consecutive quarterly leak detection periods with the percent of leaking flanged connectors (Equation 1) equal to or less than 1.0, an owner or operator may begin to skip three of the quarterly leak detection periods for flanged connectors in gas/vapor and/or light liquid service.

c. If, after implementing the AWP in Subparagraph E.3.b of this Section, the percent of leaking flanged connectors (Equation 1) increases to greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) increases to greater than 2.0, the owner or operator shall comply with the requirements as described in Clause D.1.d.ii of this Section, but subsequently may elect to use this Subsection when the requirements are met.

4. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of this Section—Increased Monitoring Frequency. If the percent of leaking flanged connectors (Equation 1) is greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

5. The percent of leaking components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1 below. (Equation 1 shall be calculated separately for each component type.)

$$\%C_1 = [C_L]/[C_T] * 100\% \quad \text{Equation 1}$$

where:

$\%C_1$  = percent of leaking components

$C_L$  = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

$C_T$  = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

6. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 2. (Equation 2 shall be calculated separately for each component type.)

$$\%C_{T2} = [C_L + C_{TU}]/[C_T + C_{TU}] * 100\% \quad \text{Equation 2}$$

where:

$\%C_{T2}$  = total percent of leaking components including delay-of-repair list components

$C_L$  = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

$C_{TU}$  = number of components on the delay-of-repair list at the end of the previous monitoring period

$C_T$  = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

7. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternate work practices. The batch product-process equipment shall be tested with a gas using the procedure specified in Subparagraph E.7.a of this Section or with a liquid using the procedure specified in Subparagraph E.7.b of this Section.

a. The following procedure shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall be tested at a pressure lower than the lowest pressure setting of any relief device.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes, unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using Equation 3.

$$\frac{P}{t} = \frac{(P_f - P_i)}{(t_f - t_i)} \quad \text{Equation 3}$$

where:

P/t = change in pressure, psi/hr

P<sub>f</sub> = final pressure, psi

P<sub>i</sub> = initial pressure, psi

t<sub>f</sub> - t<sub>i</sub> = elapsed time, hours

iv. The pressure shall be measured using a pressure measurement device (e.g., gauge, manometer, or equivalent) that has a precision of ±2.5 millimeters (±0.05 psi) of mercury over the range of measured test pressures and is capable of measuring pressures up to the lowest pressure setting of any relief device.

v. A leak is detected if the rate of change in pressure (Equation 3) is greater than 6.9 kPa (1 psi) per hour or if there is visible, audible, or olfactory evidence of a leak.

b. The following procedure shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period not less than 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

c. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOCs are fed to the equipment.

d. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but no later than 30 calendar days after the equipment is placed in VOC service.

#### F. Recordkeeping

1. When a component which has a leak that cannot be repaired, as described in Subparagraph C.3.a of this Section, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired the tag may be removed.

2. A survey log shall be maintained by the owner or operator and shall include the following:

a. the name of the process unit where the leaking component is located;

b. the type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date(s) the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);

h. a record of the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list;

j. a bypassed or isolated component list; and

k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2 of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services containing the information listed in Paragraphs G.1-5 of this Section for each calendar quarter during the reporting period, except for affected facilities that elect to meet the requirements of the alternate standard for batch processes in Paragraph E.5 of this Section, for which the report shall include the information listed in Paragraphs G.6-9 of this Section. The reports are due by the last day of the month (January and July) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored;

2. the percent of leaking components (Equation 1) for each component type;

3. the total percent of leaking and delay-of-repair components (Equation 2) for each component type;

4. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type of leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

e. the date the leak was located;

f. the monitoring or inspection results;

g. the date maintenance was performed;

h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and

i. the reason repairs failed or were postponed;

5. a signed statement attesting to the fact that all requirements of this Section have been met;

6. the batch process equipment train identification;

7. the number of pressure tests conducted;

8. the number of pressure tests that the equipment train failed; and

9. a signed statement attesting to the fact that all requirements of this Section have been met.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007); amended by the Office of the Secretary, Legal Division, LR 39:

#### **Subchapter N. Capture Efficiency Test Procedures**

Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).

### **§2199. Appendix A and B**

Appendix A. ...

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#### **Appendix B. Louisiana Consolidated Fugitive Emissions Program (LCFEP)**

Through a memorandum of understanding signed in 1996, the Louisiana Department of Environmental Quality (LDEQ) entered into an agreement with the U.S. Environmental Protection Agency (EPA) Region 6 to administer a program titled the Louisiana Consolidated Fugitive Emissions Program (LCFEP). The agreement established guidelines for the consolidation of multiple leak detection and repair (LDAR) programs at industrial facilities into a single program. At facilities that are subject to multiple LDAR standards, LCFEP provides the option of consulting a prioritized stringency table of programs in order to determine the overall most stringent program applicable to the facility, and then administer that program solely in lieu of implementing all fugitive programs simultaneously.

Under the current agreements between EPA and LDEQ, and between LDEQ and individual facilities, participating industry conducts the most stringent LDAR program and submits a single report, greatly reducing the regulatory burden created by overlapping state and federal LDAR programs.

The governing memorandum of understanding states:

State and EPA Region 6 agree to implement and enforce fugitive emission program requirements in accordance with the Louisiana Fugitive Emission Program Consolidation Guidelines to provide a mechanism for consolidating overlapping state and federal equipment leak programs in agreement with the affected source. EPA Region 6 and the State accept federal and state enforceability of the consolidated program. The State and EPA Region 6 further agree that compliance with a consolidated program in accordance with the Guidelines will be considered compliance with each of the fugitive emission programs being consolidated. Furthermore, it is understood that an affected source's noncompliance with the consolidated program requirements may subject the affected source to enforcement action for one or more of the requirements of fugitive emissions programs being consolidated. This agreement will be implemented only through a Source Notice and Agreement signed by and specific to each affected source. If in the future, a new federal standard is promulgated (i.e., consolidated air rule, MACT, etc.) that could potentially change the established Guidelines, the Guidelines will be revisited and modified as necessary.

The Source Notice and Agreement (SNA) is a memorandum submitted by an interested facility which contains a detailed list of programs to be consolidated. Consolidation is done on either a unit-by-unit or a facility-wide basis. The SNA is required to be signed by a facility representative meeting EPA's responsible official designation, defined under 40 CFR 63.2. Once the SNA is signed by the facility and accepted by LDEQ, the agreement is considered to be in effect for compliance purposes. SNAs are accepted or denied based on the correctness of the consolidation table, and the signature of a proper representative.

Facilities operating a consolidated fugitive program must abide by the program's consolidation guidelines. The guidelines consist of a set of rules called the workpractice terms and conditions and the stringency table (Table 9).

#### **Louisiana Fugitive Emission Program Consolidation Guidelines**

##### **Workpractice Terms and Conditions**

These terms and conditions are to be used in conjunction with the stringency table (Table 9). Of the applicable equipment leak programs being consolidated, the program highest in the table hierarchy is to be considered the overall most stringent program under the guidelines. The guidelines may be used only in accordance with a SNA or a Title V permit.

##### **Applicability and Exemptions**

The consolidated program shall apply to the combined universe of components subject to any of the programs being consolidated.

The consolidation of fugitive programs shall be conducted at a minimum of the process unit level, and may also be on a facility-wide basis.

Consolidation of RCRA programs shall first be approved by LDEQ's Waste Permits Division.

Component types which do not require periodic monitoring under the overall most stringent program, shall be monitored as required by the most stringent requirements of any other program being consolidated and will not be exempted.

The consolidated program shall include any exemptions based on size of component available in any of the programs being consolidated.

The consolidated program cannot be used to replace requirements for area monitoring under the Vinyl Chloride NESHAP.

For any compressor subject to a federal rule requiring a seal system including barrier fluid, sensor, and alarm, periodic monitoring of compressors may not be used in lieu of the seal system requirements, regardless of the overall most stringent program.

**Leak Definitions**

Leak definitions are based on the overall most stringent program as determined from Table 9.

Phase-in periods allowed under federal regulations are not eliminated as long as there is no backsliding of existing monitoring programs.

**Monitoring Frequency**

Monitoring frequency shall be based on the overall most stringent program as determined from Table 9.

Annual monitoring shall be defined as once every four quarters, regardless of the overall most stringent program. Some allowance may be made in the first year of the consolidation in order to allow for transition from existing monitoring schedules.

**Calibration**

Use of dilution device for calibration, as defined in Method 21, is acceptable.

**Identification of Components**

All leaking components must be tagged.

If the Benzene NESHAP and a more stringent program are applicable, the overall most stringent program prevails and physical tagging of components is therefore not required. Identification, either by list or location (area or group) of affected components is acceptable.

**Leak Performance**

The determination of leak performance is based on the overall most stringent program as determined from Table 9.

**Repair**

Repair period requirements are always first attempt within 5 days of detecting the leak and final repair within 15 days of detecting the leak, regardless of the overall most stringent program.

**Post Repair**

Post repair inspection consists of remonitoring once within 3 months after repair of leaks, regardless of the overall most stringent program.

**Recordkeeping and Reporting**

Recordkeeping and reporting information requirements shall be based on the overall most stringent program as determined from Table 9.

Reporting frequency shall be semiannual regardless of the overall most stringent program.

Reports shall include records for any monitoring performed within the semiannual reporting period.

**Louisiana Consolidated Fugitive Emission Program Stringency Table**

**Stringency Table (Table 9)**

This stringency table is to be used in conjunction with the workpractice terms and conditions. Consolidation is done between the groups listed. Of the applicable equipment leak programs being consolidated, the program in the highest group in the table hierarchy is to be considered the overall most stringent program under the guidelines. Referencing Subparts shall comply with the referenced program in the manner required by the provisions of the referencing Subpart. The guidelines may be used only in accordance with a SNA or a Title V permit. Programs shall be consolidated on a unit-wide or a facility-wide basis.

<b>Table 9 Stringency Table</b>
40 CFR 65 Subpart F—Consolidated Air Rule
40 CFR 63 Subpart H—SOCMI HON MACT and Referencing Subparts
40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (HON Option)
40 CFR 63 Subpart UUUU—Cellulose Products MACT (HON Option)
40 CFR 63 Subpart W—Polymers and Resins II MACT
40 CFR 63 Subpart PPP—Polyether Polyols Production MACT
40 CFR 63 Subpart UU—General MACT for Equipment Leaks—Control Level II and Referencing Subparts
40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, Polycarbonates Production, Ethylene Processes) (UU Option)
40 CFR 63 Subpart OOO—Amino/Phenolic Resins Manufacturing MACT

<b>Table 9 Stringency Table</b>
40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart UU Option)
40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Manufacturing (Subpart UU Option)
40 CFR 63 Subpart UUUU—Cellulose Products MACT (Subpart UU Option)
40 CFR 63 Subpart GGGG—Site Remediation MACT (Subpart UU Option)
40 CFR 63 Subpart HHHH—Miscellaneous Coating Manufacturing MACT (Subpart UU Option)
40 CFR 63 Subpart U—Polymers and Resins I, Elastomer MACT
40 CFR 63 Subpart GGG—Pharmaceuticals Production MACT
40 CFR 63 Subpart MMM—Pesticide Active Ingredient Production MACT
Louisiana MACT Determination for Non-HON Sources w/ Consent Decree Enhancements
Louisiana MACT Determination for Refineries w/ Consent Decree Enhancements
40 CFR 60 Subpart VVa—NSPS for Equipment Leaks In SOCMI Facilities
40 CFR 60 Subpart GGGa—NSPS for Equipment Leaks in Petroleum Refineries
Louisiana MACT Determination for Non-HON Sources
Louisiana MACT Determination for Refineries
LAC 33:III.2122—Louisiana Fugitive Emission Control for Nonattainment
40 CFR 63 Subpart CC—Refining MACT Modified HON option
40 CFR 61 Subpart F—National Emission Standard for Vinyl Chloride
40 CFR 61 Subpart V—National Emission Standard for Equipment Leaks and Referencing Subparts
40 CFR 61 Subpart J—National Emission Standard for Equipment Leaks of Benzene
40 CFR 63 Subpart HH—Oil and Natural Gas Production MACT
40 CFR 60 Subpart VV—NSPS for Equipment Leaks In SOCMI Facilities
40 CFR 60 Subpart GGG—NSPS for Equipment Leaks in Petroleum Refineries
40 CFR 60 Subpart KKK—NSPS for Equipment Leaks in Onshore Natural Gas Processing Plants
40 CFR 63 Subpart CC—Refinery MACT NSPS Option
40 CFR 63 Subpart TT—General MACT for Equipment Leaks—Control Level I and Referencing Subparts
40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart TT Option)
40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Production and Processes MACT (Subpart TT Option)
40 CFR 63 Subpart GGGG—Site Remediation MACT (Subpart TT Option)
40 CFR 63 Subpart HHHH—Miscellaneous Coating Manufacturing MACT (Subpart TT Option)
40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, and Polycarbonates Production) (TT Option)
40 CFR 264—RCRA Subpart BB (LAC 33:V.1717.Subchapter B)
40 CFR 265—RCRA Subpart BB (LAC 33:V.4561.Subchapter R)
LAC 33:III.2121—Louisiana Fugitive Emission Control
40 CFR 63 Subpart III—Flexible Polyurethane Foam Production MACT
40 CFR 63 Subpart R—Gasoline Distribution Terminals MACT and Referencing Subpart
40 CFR 63 Subpart HHHH—Miscellaneous Coating Manufacturing MACT (Subpart R Option)
40 CFR 63 Subpart YY—Generic MACT (Hydrogen Fluoride Manufacturing)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 11:529 (May 1985) amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991),

LR 23:1508 (November 1997), amended by the Office of the Secretary, Legal Division, LR 39:

### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ313. Such comments must be received no later than January 3, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ313. These proposed regulations are available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

### Public Hearing

A public hearing will be held on December 27, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
Executive Counsel

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Control of Emissions of Organic Compounds—Fugitive Emission Control

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units resulting from implementation of the rule change. The proposed change will revise air regulations for fugitive emission control for attainment and nonattainment areas. New definitions are being added and current definitions will be amended to closely resemble federal definitions. Modifications are made to conflicting requirements on control and monitoring for leaks discovered by sight, sound or smell.

#### 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 governmental units as a result of the proposed rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to the industrial facilities affected by the rule changes, since the changes are primarily clarifications of existing organic fugitive standards and monitoring requirements.

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

There will be no estimated effect on competition or employment in the public or private sectors. All affected facilities must follow the same rules. There is no change in the number of affected facilities, since the rule changes are minor and do not affect applicability to current regulations.

Herman Robinson, CPM  
Executive Counsel  
1211#028

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Office of the Governor Board of Architectural Examiners

Architect's Seal or Stamp (LAC 46:I.1303)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the amendment of LAC 46:I.1303 pertaining to the architect's seal or stamp. The existing Rule merely requires that the architect's seal contain certain words; it does not provide for the shape, size, or design of such seal. The proposed Rule provides for the shape, size, and design of the architect's seal.

### Title 46

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

### Part I. Architects

#### Chapter 13. Administration

#### §1303. Architect's Seal or Stamp

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

B. The architect's seal or stamp shall be circular in shape and measure approximately 1¾" in diameter. In addition to the words set forth in the preceding paragraph, it shall contain the state emblem. For purposes of this rule, the state emblem is the pelican.

C. Rubber seals and computer generated seals are acceptable.

D. Indicated below is a sample of the seal design authorized by the board.



Sample Seal



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:564 (April 2003), amended LR 39:

### Family Impact Statement

The proposed Rule will have no known impact on family formation, stability, or autonomy, as described in La. R.S. 40:972.

### Public Comments

Interested persons may submit written comments on this proposed Rule amendment to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Architects's Seal or Stamp

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs (savings) to state or local governmental units associated with the proposed Rule change. The existing Rule requires that the architect's seal or stamp contain certain words; however it does not provide as to the shape, size, or design of the architect's seal. The proposed Rule change provides clarity to the existing Rule by instructing as to the shape, size, and design of the architect's seal. The Rule further provides that rubber seals and computer generated seals are acceptable. Finally, a sample seal design is shown in the proposed Rule change.

#### 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 governmental units associated with the proposed Rule change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed Rule change. The seal described in the proposed Rule is the seal currently used by nearly all architects practicing architecture in Louisiana. Most seals are currently computer generated; thus, conforming to the proposed Rule for any architect who may use a seal with a different shape, size, or design from the one described in the proposed Rule change will likely be without cost.

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

There is no estimated effect on competition or employment associated with the proposed Rule change.

Mary "Teeny" Simmons  
Executive Director  
1211#045

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Office of the Governor Board of Architectural Examiners

### Rules of Conduct (LAC 46:I.1905 and 1907)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated for the adoption of LAC 46:I.1905 and LAC 46:I.1907. Existing law grants broad authority to the board to impose discipline upon architects and architectural firms for violating the architect's licensing law and the board rules. However, the existing law and rules do not provide as to the discipline which might actually be imposed by the board for specific violations, identify aggravating or mitigating circumstances which might be considered by the board when imposing discipline, or describe circumstances which the board will not consider when imposing discipline. The proposed Rules provide as to the normal discipline which will be imposed by the board for particular violations absent aggravating or mitigating circumstances, identify aggravating and mitigating circumstances which the board may consider when imposing discipline, and describe circumstances which the board will not consider when imposing discipline.

### Title 46

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

### Part I. Architects

#### Chapter 19. Rules of Conduct: Violations

#### §1905. Aggravating and Mitigating Circumstances

A. The board is authorized to discipline architects and architectural firms in accordance with the provisions of the licensing law and its rules. In considering the appropriate discipline to be imposed, the board may consider any aggravating or mitigating circumstances proven by clear and convincing evidence.

B. Aggravating circumstances which may increase the discipline to be imposed include, but are not limited to:

1. conduct giving rise to serious reservations about the capability of the licensee or certificate holder to effectively and safely practice;
2. prior disciplinary actions in any jurisdiction;
3. dishonest or selfish motive;
4. a pattern of misconduct;
5. multiple offenses;
6. lack of cooperation with the board's investigation;
7. submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
8. refusal to acknowledge wrongful nature of conduct;
9. vulnerability of victim;
10. substantial experience in the practice of architecture;
11. indifference to making restitution; and
12. illegal conduct, including that involving the use of controlled substances.

C. Mitigating circumstances which may reduce the discipline to be imposed include, but are not limited to:

1. a long term of distinctive service to the profession;
2. self reporting of the offense or of additional projects of which the board was unaware;
3. absence of a prior disciplinary record;
4. absence of dishonest or selfish motive;
5. personal or emotional problems;
6. timely good faith effort to make restitution or to rectify consequences of misconduct;
7. full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
8. inexperience in the practice of architecture;
9. character or reputation;
10. physical disability;
11. mental disability or chemical dependency including alcoholism or drug abuse when:
  - a. there is medical evidence that the licensee or certificate holder is affected by a chemical dependency or mental disability;
  - b. the chemical dependency or mental disability caused the misconduct;
  - c. the licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
  - d. the recovery arrested the misconduct and recurrences of that misconduct is unlikely;
12. delay in disciplinary proceedings;
13. imposition of other penalties or sanctions;
14. remorse;
15. remoteness of prior offenses.

D. The following factors should not be considered as either aggravating or mitigating:

1. forced or compelled restitution;
2. agreeing to the client's demand for certain result;
3. withdrawal of complaint against the architect;

4. resignation prior to completion of disciplinary proceedings;

5. complainant's recommendation as to sanction; and
6. failure of injured client to complain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:

**§1907. General Disciplinary Guidelines**

A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or other violations of the law or rules will be grounds for enhancement of penalties.

C. The maximum fine that may be imposed under R.S. 37:153.A is \$5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.

D. The maximum fine that may be imposed under R.S. 37:154.A is \$1,500 per violation in the case of an individual, or \$5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Failure to stamp or seal plans	R.S. 37:152.A provides that all contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed.	\$500 fine and private reprimand.
Fraud, deceit, dishonesty, misrepresentation, misconduct	R.S. 37:153.A.1 authorizes the board to discipline any registrant or certificate holder found to have committed an act of fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct or gross negligence in the practice of architecture. R.S. 37:153.A.5 authorizes the board to discipline any registrant or certificate holder found to have committed an act of willfully misleading or defrauding any person employing him as an architect. R.S. 37:153.A.7 authorizes the board to discipline any registrant or certificate holder found to have committed any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate.	\$3,000 fine, revocation, and public reprimand for fraud, deceit, dishonesty or intentional misrepresentation; \$1,500 fine, suspension, and public reprimand for negligent misrepresentation and misconduct.
Gross incompetence, gross negligence	R.S. 37:153.A.1 is discussed <i>supra</i> .	\$3,000 fine, suspension for no less than one year, and public reprimand.
Incompetence as defined in Rule § 1901.A	Rule §1901.A provides that, in practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects in good standing, practicing in the same locality.	\$1,500 fine, probation for one (1) year, and public reprimand.

<b>Violation</b>	<b>Provision</b>	<b>Discipline</b>
"Plan stamping"	R.S. 37:152.B provides that no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. R.S. 37:153.A.2 authorizes the board to discipline any registrant or certificate holder found to have committed an act of affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document. Rule §1305 interprets R.S. 37:152.B.	\$3,000 fine, probation and/or suspension for one (1) year, and public reprimand.
Removal of an architect's seal or stamp	R.S. 37:152.A prohibits the removal of an architect's seal or stamp.	\$3,000 fine, suspension for one (1) year, and public reprimand.
Using the certificate or seal of another	R.S. 37:154.A prohibits any person from presenting or attempting to use as his own the certificate of registration or the seal of another.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Use of another architect's plans without written approval	R.S. 37:152.A prohibits the use of an architect's plans, unless otherwise provided by law or by written approval of the architect.	\$1,500 fine and public reprimand.
Impersonating another registrant	R.S. 37:154.A prohibits any person from falsely impersonating any other registrant or certificate holder of like or different name.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Practice on suspended license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 authorizes the board to discipline any registrant or certificate holder found to have used his seal or stamp or engaged in any other act constituting the practice of architecture at a time when his certificate of registration is suspended.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:152.B	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:154.A	R.S. 37:154.A prohibits the use of an expired or revoked certificate of registration.	\$1,000 fine for individual/\$3,000 fine for firm, revocation, and public reprimand.
Individual practice without obtaining proper licensure	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$1,500 fine and public reprimand.
Firm practice without obtaining proper licensure	R.S. 37:154.A prohibits any person (corporation, company, partnership, firm, business entity, or individual) from practicing or offering to practice architecture in this state without being certified in accordance with the provisions of the licensing law.	\$1,500 fine and public reprimand.
Individual or firm practice with an expired license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$500 fine; six (6) months to twelve (12) months or fraction thereof- \$1,000 fine; after one (1) year or fraction thereof, \$1,000 fine per year. Public reprimand.
Felony conviction, conviction of crime or pleading guilty or <i>nolo contendere</i>	R.S. 37:153.A.4 authorizes the board to discipline any registrant or certificate holder convicted of a felony. R.S. 37:153.A.8 authorizes the board to discipline any registrant or certificate holder convicted of any crime or entering a plea of guilty or <i>nolo contendere</i> to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture.	\$3,000 fine, revocation, and public reprimand.
Licensee disciplined or refused certification or renewal by another jurisdiction	R.S. 37:153.A.9 authorizes the board to discipline any registrant or certificate holder upon refusal of the licensing authority of another state, territory, or district to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority on grounds other than non-payment of a registration fee.	Compliance with discipline imposed by other jurisdiction.
Providing false testimony before board	R.S. 37:153.A.10 authorizes the board to discipline any registrant or certificate holder who provides false testimony before the board.	\$3,000 fine, revocation, and public reprimand.
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	\$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	\$1,000 fine and suspension until requested information is provided. Public reprimand.
False or misleading advertising or solicitation	R.S. 37:153.A.12 authorizes the board to discipline any registrant or certificate holder found to have used any advertising or solicitation which is false or misleading.	\$500 fine per violation and public reprimand.
Use of misleading or confusing name	Rule §1501 prohibits the use of an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.	For failing to respond within thirty (30) days after formal notice, \$500 fine.
Knowingly designing a project in violation of laws or regulations	Rule §1901.A.2 prohibits an architect from knowingly designing a project in violation of applicable state and municipal building laws and regulations.	\$3,000 fine, revocation, and public reprimand.

Violation	Provision	Discipline
Providing services when not qualified to do so	Rule §1901.A.3 provides that an architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.	\$2,000 fine and public reprimand.
Providing services when competence is impaired by physical or mental disabilities	Rule §1901.A.4 provides that no person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.	Suspension until competence proved, followed by probation.
Accepting compensation from more than one party without full disclosure and agreement, or from suppliers	Rule §1901.B.1 provides that an architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties. Rule §1901.B.3 provides that an architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their projects.	\$1,500 fine and public reprimand.
Failing to render decisions impartially	Rule §1901.B.4 provides that, when acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract. R.S. 37:153.A.6 authorizes the board to discipline any registrant or certificate holder found to have violated any lawful rule.	\$500 fine and public reprimand.
Practicing without full disclosure as defined in Rules § 1901.B.2 or § 1901.C	Rule §1901.B.2 provides that, if an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. Rule §1901.C requires full disclosure by the architect under various circumstances.	\$1,500 fine and public reprimand.
Knowingly violating any state or federal criminal law	Rule §1901.D prohibits an architect from knowingly violating any state or federal criminal law.	\$3,000 fine, revocation, and public reprimand.
Making improper payment or gift	Rule §1901.D.2 provides that an architect shall neither offer nor make any payment or gift to a government official with the intent of influencing the official's judgment in connection with a perspective or existing project in which the architect is interested.	\$500 fine and private reprimand.
Aiding unlicensed practice	Rule §1901.C.6 provides that an architect shall not assist the application or registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.	\$1,500 fine and public reprimand.
Failing to report	Rule §1901.C.7 provides that an architect possessing knowledge of a violation of the rules by another architect shall report such knowledge to the board.	\$500 fine and private reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:

**Family Impact Statement**

The proposed Rules will have no known impact on family formation, stability, or autonomy, as described in La. R.S. 40:972.

**Public Comments**

Interested persons may submit written comments on this proposed rule amendment to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES  
RULE TITLE: Rules of Conduct**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs (savings) to state or local governmental units associated with the proposed Rule change. The current architect's licensing law provides that the board may discipline architects for violating the licensing law or the board Rules. However, the existing law and Rules do not provide as to the specific discipline imposed by the board for a particular violation. The Louisiana State Board of

Architectural Examiners (LSBAE) has studied the general disciplinary guidelines of other states, and the proposed Rule change is modeled after the Rules of other states that have considered this issue. Typically, these guidelines set forth the discipline imposed by those boards for a particular violation, absent aggravating or mitigating circumstances.

**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 governmental units associated with the proposed Rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed Rule change will inform architects and the public of: (i) the normal discipline which will be imposed by the board for violating particular provisions of the licensing law or board Rules absent aggravating or mitigating circumstances, and (ii) those aggravating and mitigating circumstances which the board may consider to increase or decrease the discipline which the board might otherwise impose. The proposed Rule change will thus benefit all architects and the public by providing clarity, predictability, and consistency.

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

There is no estimated effect on competition or employment as a result of the proposed Rule change.

Mary "Teeny" Simmons  
Executive Director  
1211#046

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Board of Examiners for New Orleans and Baton Rouge  
Steamship Pilots for the Mississippi River**

**Pilot Recency Requirements and Continuing Education  
(LAC 46:LXX.Chapters 61, 62, 63, and 64)**

Editor's Note: This Notice of Intent is being reprinted to correct printing errors. The original may be viewed on pages 2089-2092 of the August 20, 2012 edition of the *Louisiana Register*.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River hereby gives notice of intent to promulgate rules and to repeal and reenact its rules. This proposed Rule restates existing rules and will be reenacted for the purpose of codification. New rules are in the public's interest and will promote public safety. The new rules provide more stringent educational and licensing requirements for applicants seeking a state pilot commission. The rules revise the standard of conduct for state commissioned NOBRA pilots and the process for filing a complaint against state commissioned NOBRA pilots. This Rule establishes a maximum age for selection into the Board of Examiners' Pilot Development Program. The rules revise pilot recency requirements and continuing education requirements for NOBRA pilots.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXX. River Pilots**

**Subpart 3. Board of Examiners for the New Orleans and  
Baton Rouge Steamship Pilots**

**Chapter 61. General Provisions**

**§6102. Definitions**

*Applicant*—any person who has submitted an application to be considered for selection into the Pilot Development Program for New Orleans and Baton Rouge Steamship Pilots.

*Apprentice*—any person duly selected by the members of NOBRA, but not yet commissioned, who is serving in the Pilot Development Program.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2471 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:493 (March 2010), LR 38:

**§6105. Rules, Records, Meetings, Application**

A. All board rules must be adopted by a majority of the examiners. The board shall maintain records in accordance with R.S. 44:1 et seq., and all other state laws. The board shall file an annual report of investigations, findings, actions and accident data in accordance with state laws. The board shall conduct its meetings in accordance with R.S. 42:4.1 et seq., and any other state laws.

B. - C. ...

D. These rules shall apply to all applicants, apprentice pilots and New Orleans and Baton Rouge steamship pilots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2471 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:494 (March 2010), LR 38:

**Chapter 62. Qualifications and Examination of Pilots**

**§6204. Application**

A. ...

\* \* \*

B. All applications shall be in writing, signed by the applicant and presented to a member of the board or their authorized representative by the applicant. All persons wishing to submit an application shall make an appointment with an examiner or their authorized representative by contacting the board's office. All applications shall be notarized and be accompanied by satisfactory proof of compliance with all of the board's objective requirements. Upon submission a board member or their authorized representative will provide a stamped copy to the applicant indicating the date and time of submission. The board or their authorized representative shall reject all deficient applications and provide an applicant written notice of the specific deficiency.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:

**§6205. General Requirements**

A. - B. ..

C. An applicant shall submit proof of a current satisfactory United States Coast Guard approved physical (Merchant Mariner Physical Examination Report). Upon notification of an impending NOBRA selection of apprentices, the applicant shall submit to a physical examination administered by an Examiner appointed physician specializing in occupational medicine no more than 40 days prior to the selection.

D. An applicant must not have reached his forty-fifth birthday prior to the date of selection into the Pilot Development Program.

E. An applicant shall submit evidence of satisfactory completion of training programs approved by the board for the following courses of instruction:

- 1. bridge resource management;
- 2. basic ship handling (5 day);
- 3. radar observer;
- 4. advanced firefighting; and
- 5. CPR.

F. An applicant shall provide proof they have passed a board approved drug screen test consistent with the board's drug screen policy (See Chapter 65 of the board's rules) within 30 days prior to submission of an application. Additionally, upon notification of a pending NOBRA

selection of apprentices, the applicant shall submit proof that they have passed a board approved drug screen test not more than 40 days prior to the selection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:

### **§6206. Licenses/Education/Experience**

A. In addition to the above, an applicant must submit satisfactory proof of the following licensing, education and experience criteria.

1. An applicant must hold at least a current First Class Pilots License, Any Gross Tons, upon the Lower Mississippi River from Chalmette, Louisiana to Baton Rouge Railroad and Highway Bridge at Baton Rouge, Louisiana, including physical, and, at least, either a Master of Steam or Motor Vessels; or Master of Towing Vessels; or Third Mate; or an equivalent or greater United States Coast Guard license.

a. ...

2. An applicant must hold a Bachelor degree from an accredited maritime academy.

NOTE: Should the association choose to select entrants into the Pilot Development Program prior to January 1, 2018, applicants who hold at least a Bachelor degree from an accredited institution of higher learning may be presented to the association for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2473 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:495 (March 2010), LR 38:

### **§6207. Notice of Apprentice Selection**

A. At least 50 days prior to an apprentice selection, NOBRA must inform the board, in writing, that a selection will be held and the date of the selection.

B. At least 40 days prior to the apprentice selection, the board will advertise the date of the apprentice selection, as well as the deadline for submission of application materials, in at least two periodicals, one of which shall have a circulation of the greater New Orleans area and one of which shall have a circulation of the greater Baton Rouge area. In addition, all relevant dates will be posted on the board's website.

C. At least 30 days prior to the apprentice selection, the board will give notice, via U.S. Mail, to all applicants of the date of the selection and the deadline for submitting documentation in support of their application.

D. The deadline for submitting an application and supporting documentation, shall be 3 p.m., 20 days prior to the apprentice selection.

E. At least 18 days prior to the apprentice selection, the board will forward to NOBRA a list of all qualified candidates and supporting documentation of all candidates who meet the criteria for selection, as enumerated in the board's rules.

F. At the conclusion of a NOBRA apprentice selection, NOBRA shall provide the board, in writing, a list of those candidates selected for admission into the Pilot Development

Program as an Apprentice Pilot. The board shall unilaterally determine the maximum number apprentices admitted into the Pilot Development Program at any given time. After receipt of notification from NOBRA, the board will notify the selected applicant via U.S. Mail of the time, date and location of the commencement of the Pilot Development Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:

### **§6208. Expiration of Applications**

A. Following an apprentice selection, all unselected applications on file with the board will be deemed expired and destroyed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:

### **§6209. Pilot Development Program**

A. - E.2.d. ...

e. lack of fitness for the position and responsibilities of a pilot; and

f. any violations of standards of conduct as enumerated in §6307 of the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2474 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:496 (March 2010), LR 38:

## **Chapter 63. Standards of Conduct**

### **§6304. Definitions**

A. As used in this Chapter, the following terms, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

\* \* \*

*Deputy Pilot*—a commissioned pilot in the Pilot Development Program.

*Fit for Duty*—a pilot who meets the board's requirements regarding licensure, physical and medical competency and is current with their continuing education requirements.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2475 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38:

### **§6307. Standards of Conduct**

A. The board may in its discretion recommend to the Office of the Governor, reprimand, fine, suspension and/or

revocation of a pilot, Deputy Pilot, or apprentice for the following non-exclusive list of particulars:

1. - 3. ...
4. failure to maintain a current satisfactory United States Coast Guard approved physical (Merchant Mariner Physical Examination Report);
5. conviction of any felony from any jurisdiction whatsoever;
6. any violation of the board's drug and alcohol policy;
7. neglect of duty; and
8. any violation of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2476 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:498 (March 2010), LR 38:

### **§6310. Continuing Professional Education (Formerly §6311)**

A.1. Every pilot seeking to maintain a pilot's commission must successfully complete the following required courses every five years:

- a. A Bridge Resource Management (B.R.M.P.) course or seminar for pilots;
- b. An Emergency Ship Handling course or seminar for pilots;
- c. A marine technical course or seminar, which includes vessel traffic service training;
- d. A course or seminar in marine electronic navigation for pilots;
- e. A course or seminar on applicable United States Coast Guard navigation regulations (Rules of the Road); and
- f. A course or seminar on marine incident management for pilots.

2. Every pilot must annually and successfully complete 8 hours of professional development courses approved by the board. The board may, from time to time, adjust these requirements in order to maintain the highest level of professional competency and pilot safety.

B. All professional education classes and programs shall be approved by the board. The board will maintain a non-exclusive list of approved professional education classes and programs, which may be periodically updated.

C. It is the responsibility of the pilot to attend the necessary professional education classes and to present the board with proof of satisfactory completion.

D. Any pilot who fails to successfully complete the required professional education classes or programs will be removed from duty until the pilot complies with the requirements of this section.

E. The board may, for good cause shown, grant a waiver or extend the time for a pilot to complete the continuing professional education requirement, upon timely application, in writing, by the pilot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2477 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and

Baton Rouge Steamship Pilots for the Mississippi River, LR 36:499 (March 2010), LR 38:

### **§6311. Mandatory Rest Period (Formerly §6312)**

A. For the purpose of this rule, a turn is the time period from dispatch to the termination of the allotted travel time.

B. All pilots shall have a minimum of eight hours rest period between turns.

C. For the purpose of this rule, the rest period begins at the termination of the allotted travel time at the completion of one turn and ends at the time of dispatching for the next turn.

D. Notwithstanding Subsection B, the captain of the station and shift pilots shall be exempt from the minimum 8 hours rest period in between turns. However, in no case shall the captain of the station and shift pilots exceed 12 bridge hours in any 24 hour period.

E. Notwithstanding Subsection B, any pilot completing a turn lasting less than 4 bridge hours or receiving a discharge, shall not be required to comply with the mandatory 8 hours rest period. However, in no case shall any pilot acquire more than 12 hours in a 24 hour period. Pilots requesting eight hours rest period shall not be called or dispatched in less than 8 hours from the completion of their finishing time.

F. Notwithstanding Subsection B, during a state of declared emergency all pilots shall be exempt from the minimum 8 hours rest period in between turns. However, in no case shall any pilot exceed 12 bridge hours in any 24 hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 31:56 (January 2005), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:

## **Chapter 64. Investigations and Enforcement**

### **§6404. Duty to Report**

A. - C. ..

D. Upon receipt of any incident by a pilot the board shall conduct an investigation and take appropriate action commensurate with the nature of the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2477 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:

### **§6406. Investigations and Enforcement**

A. All incidents and complaints reported to the board shall be referred for investigation.

1. any source may file a sworn complaint within one year of the alleged acts complained of;

2. the board shall receive any sworn complaint from any source against any pilot, deputy pilot or apprentice while in the performance of his duties;

3. any sworn complaint submitted by any source to the board shall be typewritten and submitted on plain paper and shall include the date and time of the incident, a description of what happened, the type of incident, casualties, location, conditions, name of vessel piloted, if

known, any other vessels, structures, or objects involved, the name of the pilot, if known, and any allegations against the pilot, and shall be given in an authentic act in which the complainant swears to the truthfulness of the allegations, subject to the penalties of perjury;

4. if a sworn complaint is not submitted in the prescribed manner, the board shall return it, with an explanation of error, and without prejudice to the sender to properly refile.

B. - U. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 30:2478 (November 2004), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:501 (March 2010), LR 38:

#### **Family Impact Statement**

The proposed Rule of the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. The implementation of these amended rules will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform this function.

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed ruled that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rules on small businesses.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulations. Such comments must be in writing and received no later than September 10, 2012 at 4:30 p.m. and should be sent to Captain Robert D. Heitmeier, President of the Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, 2805 Harvard Avenue, Suite 101, Metairie, LA 70006. The proposed regulations are available for inspection at the Office of the State Register website: <http://www.doa.state.la.us/osr/osr.htm>.

Captain Robert D. Heitmeier  
President

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Pilot Recency Requirements and Continuing Education**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes outline the general operation of the Board of Examiners, standards of proper conduct of the New Orleans – Baton Rouge Steamship Pilots Association (NOBRA) pilots and procedures for investigation and enforcement of the Board's rules. These rules establish a maximum age for selection into the Board's Pilot Development Program. These rules revise pilot recency requirements and continuing education requirements for NOBRA pilots. The proposed rule changes will have no impact on state or local governmental unit expenditures. All expenses, if any, are paid by NOBRA as per law.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is anticipated to have no impact on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Current pilots will not be subject to additional costs. Additionally, applicants will not be subject to additional costs.

Further, these rules revise the standard of conduct of state commissioned NOBRA pilots and the process for filing a complaint against state commissioned NOBRA pilots. Those who violate these rules may have their state commission affected due to disciplinary action taken by the Board of Examiners or the Governor. If a NOBRA pilot violates these rules, he/she may be subject to disciplinary action by the Board of Examiners or Governor. If that pilot's state commission is suspended or revoked, this may have an impact on that pilot's income. Finally, these rules revise pilot recency requirements and continuing education requirements for NOBRA pilots.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Under the proposed rule changes, applicants for a state pilot commission will be subject to more stringent educational and licensing requirements. This may impact the ability of certain applicants to receive a state pilot commission. These rules establish a maximum age for selection into the Board of Examiners' Pilot Development Program.

Captain Robert D. Heitmeier  
President  
1211#057

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

#### **NOTICE OF INTENT**

#### **Office of the Governor Division of Administration Office of State Purchasing**

Master Agreements; Clauses; Approval (LAC 34:I.5517)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 39:200(F), the Office of the Governor, Division of Administration, Office of State Purchasing, proposes to adopt Section 5517, Master Agreements; Clauses; Approval, to establish a process for the review and use of data processing master agreements.



**Title 34**  
**GOVERNMENT CONTRACTS, PROCUREMENT**  
**AND PROPERTY CONTROL**

**Part I. Purchasing**

**Subpart 3. Equipment-Lease-Purchase Program**

**Chapter 55. Procedures for Information Technology Hardware, Software, Software Maintenance and Support Services, and Hardware Maintenance**

**§5517. Master Agreements; Clauses; Approval**

A. R.S. 39:198(E) authorizes the state director of purchasing to enter into master agreements with vendors with which the state conducts substantial business over a period of time and sets forth the uses to which such master agreements may be put. Master agreements may be approved in accordance with the following requirements.

B. Master agreements submitted for approval shall, at a minimum, contain the following provisions:

1. any contract based on the master agreement shall be governed by the laws of the state of Louisiana;
2. the unilateral right of the state to order in writing changes in the work within the general scope of the contract in any one or more of the following:
  - a. drawings, designs, or specifications, if the supplies to be furnished are to be specially manufactured for the state in accordance therewith;
  - b. method of shipment or packing; or
  - c. place of delivery;
3. the unilateral right of the state to order in writing temporary stopping of the work or delaying of performance;
4. variations between estimated quantities of work in a contract and actual quantities;
5. liquidated damages as appropriate;
6. specified excuses for delay or nonperformance;
7. termination of the contract for vendor's default;
8. termination of the contract in whole or in part for the convenience of the state;
9. the vendor shall agree to indemnify the state and hold the state harmless without limitation of liability;
10. the vendor shall agree to secure and maintain insurance in such types and amounts as approved by the director of state purchasing;
11. the vendor agrees continuation of contracts in effect during more than one fiscal year is contingent upon the appropriation of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract or if such appropriation is reduced by the veto of the governor or by any means provided in the appropriations act or Title 39 of the Louisiana Revised Statutes of 1950 to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is to provide insufficient monies for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated;
12. any changes mandated by state or federal law, whether legislative or judicial, will be incorporated into the master agreement; however, if such a change is not

acceptable to either party, the affected term or terms of the contract shall be renegotiated and, if agreement cannot be reached, shall be stricken from the contract.

C. The director of purchasing may approve a master agreement only after the agreement has been negotiated with the vendor by the procurement support team.

D. In the event any vendor fails to fulfill or comply with the terms of any contract, the director of purchasing may rescind approval of the vendor's master agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:200(F).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 39:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Public Comments**

Interested persons may submit written comments to George Grazioso, Office of State Purchasing, P.O. Box 94095, Baton Rouge, LA 70804-9095. He is responsible for responding to inquiries regarding this proposed Rule. All comments must be received by December 10, 2012, by close of business.

Denise M. Lea  
Assistant Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Master Agreements; Clauses; Approval**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated impact on state or local governmental expenditures as a result of the proposed administrative rule. The proposed rule codifies current practice by establishing a process for the review and use of master agreements in data processing procurements. The Office of State Purchasing is currently utilizing these master agreement guidelines.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on state or local governmental revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated impact on directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact upon competition and employment resulting from the proposed rule.

Denise Lea  
Assistant Commissioner  
1211#053

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Office of the Governor Division of Administration Office of State Purchasing

Pre-Printed Contract Forms; Clauses; Approval  
(LAC 34:I.5515)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 39:200(F), the Office of the Governor, Division of Administration, Office of State Purchasing, proposes to adopt Section 5515, Pre-Printed Contract Forms; Clauses; Approval, to allow the state to use vendors' pre-printed data processing related contract forms and to create a process for the review and approval of such forms.

#### Title 34

### GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

#### Part I. Purchasing

#### Subpart 3. Equipment-Lease-Purchase Program

#### Chapter 55. Procedures for Information Technology Hardware, Software, Software Maintenance and Support Services, and Hardware Maintenance

#### §5515. Pre-Printed Contract Forms; Clauses; Approval

A. In accordance with the provisions of R.S. 39:200(F) the director of purchasing may approve a vendor's pre-printed contract form in accordance with the following requirements.

B. All pre-printed contract forms submitted for approval shall, at a minimum, contain the following provisions:

1. the contract shall be governed by the laws of the state of Louisiana;
2. the unilateral right of the state to order in writing changes in the work within the general scope of the contract in any one or more of the following:
  - a. drawings, designs, or specifications, if the supplies to be furnished are to be specially manufactured for the state in accordance therewith;
  - b. method of shipment or packing; or
  - c. place of delivery;
3. the unilateral right of the state to order in writing temporary stopping of the work or delaying of performance;
4. variations between estimated quantities of work in a contract and actual quantities;
5. liquidated damages as appropriate;
6. specified excuses for delay or nonperformance;
7. termination of the contract for vendor's default;
8. termination of the contract in whole or in part for the convenience of the state;
9. the vendor shall agree to indemnify the state and hold the state harmless without limitation of liability;
10. the vendor shall agree to secure and maintain insurance in such types and amounts as shall be approved by the director of purchasing;
11. the vendor agrees continuation of contracts in effect during more than one fiscal year is contingent upon the appropriation of funds to fulfill the requirements of the contract by the legislature. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract or if such appropriation is reduced by the veto

of the governor or by any means provided in the appropriations act or Title 39 of the Louisiana Revised Statutes of 1950 to prevent the total appropriation for the year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is to provide insufficient monies for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated.

C. The director of purchasing may approve a vendor's pre-printed contract form with the participation of the procurement support team.

D. A pre-printed contract form that has been approved shall display the following language adjacent to its title: "This contract form has been approved by the director of state purchasing."

E. The pre-printed contract form shall also display in the form footer the contract approval date and the contract version number as provided by the director of state purchasing.

F. In the event any contractor fails to fulfill or comply with the terms of any contract, the director of purchasing may rescind approval of the vendor's pre-printed contract form.

G. Only those terms and conditions contained in the pre-printed form approved by the director of purchasing shall have any effect between the parties and any reference to or inclusion of other terms and conditions contained in other documents or websites is prohibited.

H. Any alterations or changes to the terms and conditions of the approved pre-printed form are prohibited and will automatically void the approval of the pre-printed form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:200(F).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 39:

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### Public Comments

Interested persons may submit written comments to George Grazioso, Office of State Purchasing, P.O. Box 94095, Baton Rouge, LA 70804-9095. He is responsible for responding to inquiries regarding this proposed Rule. All comments must be received by December 10, 2012, by close of business.

Denise M. Lea

Assistant Commissioner

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Pre-Printed Contract Forms; Clauses; Approval

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated impact on state or local governmental expenditures as a result of implementing the

proposed rule. Pursuant to Act 185 of the 2012 Regular Legislative Session, the proposed rule will establish a process for the review and approval of a vendor's pre-printed contract form to be used in data processing procurement. The Division of Administration (DOA) anticipates utilizing existing resources in reviewing these forms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on state or local government revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Pursuant to Act 185 of the 2012 Regular Legislative Session, the proposed administrative rule will likely have an indeterminable cost savings to potential vendors. Vendors with pre-printed contract forms on file with the Office of State Purchasing expedite the process of contracting with individual agencies and political subdivisions, which saves the vendors time and money.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact upon competition and employment resulting from the proposed rule.

Denise Lea  
Assistant Commissioner  
1211#055

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Office of State Purchasing**

**Procurement of Consulting Services as Related Services  
(LAC 34:I.5519)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 39:197(1) the Office of the Governor, Division of Administration, Office of State Purchasing, proposes to adopt §5519, Procurement of Consulting Services as Related Services, to allow for the inclusion of certain services in the procurement of data processing hardware or software.

**Title 34**

**GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY CONTROL**

**Part I. Purchasing**

**Subpart 3. Equipment-Lease-Purchase Program**

**Chapter 55. Procedures for Information Technology  
Hardware, Software, Software  
Maintenance and Support Services, and  
Hardware Maintenance**

**§5519. Procurement of Consulting Services as Related  
Services**

A. R.S. 39:197(1) allows for the procurement of consulting services, as otherwise subject to the provisions of Chapter 16 of Title 39 of the Louisiana Revised Statutes, which services are ancillary to the procurement of data processing hardware or software. Such ancillary consulting services are to be considered as "related services" authorized to be procured in accordance with the provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes only when the services are included as a part of the acquisition of the data processing hardware or software.

B. For purposes of this Section, such related services are limited to the lesser of 20 percent of the overall procurement amount or \$250,000.

C. Inclusion of consulting services as related services should include, at a minimum:

1. a scope of work that clearly and completely identifies the services to be performed;

2. a written plan to monitor the performance of the services that, at a minimum, includes the specific objectives or deliverables associated with the proposed service and monitoring plan; methods to be used to measure and determine service performance; a periodic review of interim reports or other indicia of performance performed to date and, the assignment of specific using agency personnel to a monitoring and liaison function;

3. the maximum amount of compensation to be paid for the services.

4. a provision that payment for the services will only be made upon successful completion of the scope of work for the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:197(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Purchasing, LR 39:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Public Comments**

Interested persons may submit written comments to George Grazioso, Office of State Purchasing, P.O. Box 94095, Baton Rouge, LA 70804-9095. He is responsible for responding to inquiries regarding this proposed Rule. All comments must be received by December 10, 2012, by close of business.

Denise M. Lea  
Assistant Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Procurement of Consulting  
Services as Related Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed administrative rule may result in an indeterminable but likely minimal decrease in overall administrative costs of the Division of Administration (DOA). Pursuant to Act 185 of the 2012 Regular Legislative Session, the proposed administrative rule provides for an alternate method to procure ancillary services within an information technology procurement, which will result in the DOA managing fewer procurement contracts. The proposed administrative rule will allow the DOA to bid for software configuration, training, and other consulting services in the same bid for data processing hardware or software. The proposed administrative rule provides a limitation of 20% of the total IT procurement amount or \$250,000 (whichever is less) for such consulting services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on state or local governmental revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Pursuant to Act 185 of the 2012 Regular Legislative Session, the proposed administrative rule will likely have an indeterminable cost savings to the vendor because the vendor will be managing fewer bids/contracts with the Office of State Purchasing because the software or hardware purchase, necessary software configuration and even training associated with new hardware or software can be bid out with one RFP as opposed to three different RFPs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact upon competition and employment resulting from the proposed rule.

Denise Lea  
Assistant Commissioner  
1211#054

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Real Estate Appraisers Board**

Real Estate

(LAC 46:LXVII.30302, 30401, 30501, 30900, and 31101)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3397 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Appraisers Board has initiated procedures to amend Chapters 303, 305 and 309, and to promulgate Chapters 304 and 311. The purpose of the proposed action is to establish compliance procedures whereby appraisal management company licensees can meet the amended licensing requirements enacted in Act 429 of the 2012 Regular Session and the requirements of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, and to further clarify investigative procedures.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part LXVII. Real Estate**

**Subpart 3. Appraisal Management Companies**

**Chapter 303. Forms and Applications**

**§30302. Surety Bond Required; Amount and Conditions;**

**Filing**

A. Applicants for licensing as an appraisal management company shall submit proof of a surety bond in the amount of \$20,000 with a surety company qualified to conduct business in Louisiana.

B. Bonds shall be in favor of the state of Louisiana and conditioned for the benefit of a claimant against the licensee for a violation of the AMC law and/or rules.

C. Bonds shall remain effective and in force throughout the license period of the appraisal management company.

D. Proof of surety bond renewal shall be provided to the board in conjunction with, and at the time of an AMC annual renewal of registration.

E. Failure to maintain a surety bond shall be cause for revocation or suspension of a license.

F. A licensee who elects to submit a cash deposit or security in lieu of a surety bond, as provided in R.S. 37:3515.3(D)(5), shall restore the cash deposit or security annually upon license renewal, if a claim has reduced the deposit amount or security below \$20,000.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:

**Chapter 304. Competency**

**§30401. Appraiser License Verification**

A. Prior to making an assignment to a real estate fee appraiser, licensees shall verify that the appraiser holds a license in good standing in this state pursuant to the Louisiana Real Estate Appraisers Law, R.S. 37:3391, et seq. Licensees may rely on the National Registry of the Appraiser Foundation for purposes of appraiser license verification, and shall obtain a written certification from the appraiser that he or she:

1. is competent in the property type of the assignment;
2. is competent in the geographical area of the assignment;
3. has access to appropriate data sources for the assignment;
4. will immediately notify the licensee in writing if the appraiser later determines that he or she is not qualified to complete the assignment; and
5. is aware that misrepresentation of competency is subject to the mandatory reporting requirement in the Uniform Standards of Professional Appraisal Practice (USPAP) 2012.

B. Subsequent to a completed appraisal being submitted to the assigning licensee, any request for additional information that may impact or alter the opinion of value stated therein shall be made by the certified appraiser completing the appraisal review.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:

**Chapter 305. Responsibilities and Duties**

**§30501. Record Keeping**

A. - A.4. ...

B. In addition to the records that shall be maintained in Subpart A of this Section, licensees shall maintain a complete list of all real estate fee appraisers approved by the licensee to receive appraisal assignments. The list shall include, but is not limited to, the following information on each fee appraiser:

1. name, license status, and qualifications;
2. errors and omission insurance status, including the carrier, the policy number, the dollar limits of the coverage and the dates covered in the policy;
3. experience and professional record;
4. the areas in which each fee appraiser considers him/herself geographically competent broken down by parish and/or zip code;
5. the type of property;
6. the scope of work;

7. the time frame in which the appraisal services are required to be performed;
8. fee appraiser work quality;
9. the number and type of assignments completed per year; and
10. the fee or remuneration or monetary compensation for each report or assignment.

C. All records shall be kept properly indexed and readily available to the board for review upon request and without prior notice. Duly authorized representatives of the board shall be authorized to inspect such records at the offices of licensees between the hours of 9 a.m. and 4 p.m., Saturdays, Sundays, and legal holidays excluded, and to subpoena any of the said records.

D. All records specified in this Chapter shall be retained for a period of five years; however, records that are used in a judicial proceeding, in which the appraiser provided testimony related to the appraisal assignment, shall be retained for at least two years after disposition, whichever period expires last.

E. At any time that a document or information on file with the board becomes inaccurate or incomplete, the appraisal management company shall notify the board in writing within five days.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 37:2407 (August 2011), amended LR 39:

**Chapter 309. Investigations; Disciplinary Authority; Enforcement and Hearing**

**§30900. Investigations**

A. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of a licensee or certificate holder, or any person who assumes to act as such. Written complaints shall bear the signature of the complainant or that of his legal representative before any action will be taken thereon by the board.

B. The executive director of the board may issue written authorization to investigate apparent violations of the Louisiana Appraisal Management Company Licensing and Regulation Act and/or the rules and regulations of the board.

C. Investigations shall be conducted by the staff of the Louisiana Real Estate Appraisers Board and/or the Louisiana Real Estate Commission.

D. If, during the course of an investigation, information is established indicating that violations of the Louisiana Appraisal Management Company Licensing and Regulation Act and/or the rules and regulations of the board have been committed by any licensee other than the licensee against whom the original complaint was made, the additional licensee may be added as a respondent to the investigation in the absence of any written complaint alleging such violations.

E. The board may file suit in the Nineteenth Judicial District Court in the parish of East Baton Rouge to enforce a subpoena against any person that does not comply with a subpoena issued by the board.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:

**Chapter 311. Compensation of Fee Appraisers**  
**§31101. General Provisions; Customary and Reasonable Fees; Presumptions Of Compliance**

A. Licensees shall use the elements found in the first or second presumption of compliance prescribed by the Dodd-Frank Wall Street Reform and Consumer Protection Act, to determine the customary and reasonable rate of compensation for a fee appraiser in a specific geographic market.

1. Licensees shall disclose to the selected fee appraiser which presumption of compliance was used to determine the customary and reasonable rate of compensation in a geographic market before or at the time an appraisal assignment is made. The disclosure made by licensees using the first presumption of compliance shall provide documentation to the selected fee appraiser that substantiates the method used, the basis for, and the details of the elements listed in Paragraphs B.1-6 of this Section.

2. An agreement between a licensee and a fee appraiser, written or otherwise, shall not create a presumption of compliance, nor shall it satisfy the requirements of R.S. 37:3415.15, which mandate the payment of a customary and reasonable rate of compensation to fee appraisers.

B. A licensee using the first presumption of compliance shall maintain written documentation that describes or substantiates all methods, factors, variations, and differences used to determine the customary and reasonable fee for appraisal services conducted in the geographic market of the appraisal assignment. This documentation shall include, at a minimum, the following elements:

1. the type of property;
2. the scope of work;
3. the time in which the appraisal services are required to be performed;
4. fee appraiser qualifications;
5. fee appraiser experience and professional record; and
6. fee appraiser work quality.

C. A licensee using the second presumption of compliance may establish a customary and reasonable rate of compensation based on objective third-party information prepared by independent third parties such as government agencies, academic institutions, and private research firms. Third-party information shall be based on recent rates paid to a representative sample of appraisal service providers in the geographic market of the appraisal assignment, or the fee schedule of those providers. Written documentation that describes and substantiates third-party information shall be maintained by the licensee.

1. A licensee that elects to use third-party fee schedule information developed by an independent third party shall submit such information to the board for approval 30 days prior to its use.

2. The board, at its discretion, may establish a customary and reasonable rate of compensation schedule for use by any licensees that elects to do so.

D. In accordance with the record keeping responsibilities prescribed in Chapter 305 of the board rules and regulations, licensees shall maintain records on each presumption of compliance that is used to determine a customary and reasonable rate of compensation. Licensees shall submit

these records to the board upon request no later than 10 calendar days after the request is made.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:

**Family Impact Statement**

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the November 20, 2012 *Louisiana Register*: The proposed rules have no known impact on family, formation, stability, or autonomy.

**Public Comments**

Interested parties are invited to submit written comments on the proposed regulations through December 11, 2012 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Commission, P.O. Box 14785, Baton Rouge, LA 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Real Estate**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs (savings) to state or local governmental units as a result of the proposed rule change. The purpose of the proposed rule change is to establish compliance procedures whereby appraisal management company licensees can meet the amended licensing requirements enacted in Act 429 of the 2012 Regular Legislative Session and the requirements of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act.

**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 governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Any cost associated with meeting the surety bond requirement of Act 429 will be determined by the Appraisal Management Company, depending on the independent decision to either purchase a bond, the cost of which will be determined by the bonding company or to submit a \$20,000 cash deposit or security in lieu of the bond. The purpose of the bond, deposit, or security is to ensure that the Appraisal Management Company conducts business in accordance with all license laws and rules, which provides the benefit of protection to the customer.

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

There is no estimated impact on competition and employment as a result of the proposed rule change.

Bruce Unangst  
Executive Director  
1211#048

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Real Estate Appraisers Board**

Real Estate—Peer Review Committees and Valuation Services (LAC 46:LXVII.10309 and 10701)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3397 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Appraisers Board has initiated procedures to amend Chapter 103, Section 10309 (Application for Experience Credit), which provides for the appointment of a peer review committee, and to promulgate Chapter 107 (Appraisal Management Companies), which will enact requirements and prohibitions related to valuation services performed by a licensed real estate fee appraiser for an appraisal management company.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part LXVII. Real Estate**

**Subpart 2. Appraisers**

**Chapter 103. License Requirements**

**§10309. Application for Experience Credit**

A. - C. ...

D. The board shall have the authority to appoint a peer review committee to provide assistance to the board in the performance of its functions and duties in pre-license and post license review and regulation, which shall include direct appraiser mentoring to applicants for a trainee or certified appraiser license and investigator assistance.

1. Committee members shall serve at the discretion of the board and may be removed at anytime, with or without cause, upon written notice from the board.

2. The initial term of each committee member shall be for a period of two years, which shall automatically extend for successive two year terms, until such time that the member resigns from the committee, is replaced by a new board appointee, or is removed by the board.

3. Committee members shall be certified residential or certified general real estate appraisers that have been licensed in good standing for a minimum of five years.

4. Committee members shall have completed the supervisory appraiser course, or its equivalent, as determined by the board.

5. Committee members may decline any request for direct mentoring without prejudice.

6. Duties of the peer review committee shall not require committee meetings or reports to the board, as each member shall operate independent of the other members; however, members shall be subject to oversight by the board and shall respond accordingly to any board inquiry.

7. Committee members shall be available to licensed trainees and certified appraisers via telephone or e-mail for direct mentoring, which may include one or more of the following:

a. examination of appraisals or other work samples;

- b. feedback to mentored appraiser regarding examined work samples;
- c. help with appraisal methodology; and
- d. answering queries on specific appraisal assignments.

8. Committee members assigned to assist investigators shall provide the following assistance, as needed:

- a. specific appraisal methodology insight;
- b. Uniform Standards of Professional Appraisal Practice insight;
- c. benefit of competency and experience in appraisal practice; and
- d. any other available assistance, as requested.

9. Committee members assigned to assist investigators shall remove themselves from any investigation where there may be an actual or perceived conflict of interest.

E. Applicants may submit appraisals to the peer review committee for review prior to submission of the application for experience credit.

F. Only those real property appraisals consistent with the Uniform Standards of Professional Appraisal Practice will be accepted by the board for experience credit.

G. The board may require an applicant to successfully complete additional educational training consisting of not less than 15 or more than 30 instructional hours of course work approved by the board, which shall not be used to satisfy the continuing education requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), LR 37:333 (January 2011), LR 39:

**Chapter 107. Appraisal Management Companies**

**§10701. Appraiser Requirements and Prohibitions**

A. It shall be unlawful for a licensee or certificate holder to enter into an agreement to perform valuation services, written or otherwise, with an appraisal management company, or a person, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that engages, or attempts to engage, in the activities of an appraisal management company, as defined in R.S. 37:3415.2(a)-(b), unless the appraisal management company, person, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity is licensed in accordance with the Louisiana Appraisal Management Company Licensing and Regulation Act.

B. A licensee or certificate holder that performs valuation services for an appraisal management company may include the license number of the appraisal management company in all appraisal reports or other instruments used by the licensee or certificate holder in conducting real property appraisal activities for the appraisal management company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:

**Family Impact Statement**

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the November 20, 2012 *Louisiana Register*: This proposed Rule has no known impact on family, formation, stability, or autonomy.

**Public Comments**

Interested parties are invited to submit written comments on the proposed regulations through December 11, 2012 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Commission, P.O. Box 14785, Baton Rouge, LA 70898-4785 or 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Real Estate—Peer Review Committees and Valuation Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs (savings) to state or local governmental units as a result of the proposed rule change. The proposed rule change is taken at the discretion of the Real Estate Appraisers Board and is based, in part, on the requirements of Act 429 of the 2012 Regular Session and the federal Dodd-Frank Wall Street Reform and Consumer Protection Act. The purpose of the proposed rule change is to enact requirements and prohibitions related to valuation services performed by a licensed real estate fee appraiser for an appraisal management company and to establish guidelines for the board appointment of a Peer Review Committee.

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 governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The peer review committee will provide direct appraiser mentoring to applicants for a trainee or certified appraiser license and will serve to develop the skills and proficiency of the appraiser. This will benefit both the appraiser and the customers that utilize this service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment as a result of the proposed rule change.

Bruce Unangst  
Executive Director  
1211#049

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

Fees (LAC 46:LXIII.Chapter 6)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health and Hospitals, Board of Examiners of Psychologists is amending LAC 46:LXIII.Chapter 6, Fees. This proposed Rule modifies current licensing and administrative fees due to the increase in demand for licensure and administrative workload increase.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXIII. Psychologists**

**Chapter 6. Fees**

**§601. Licensing Fees**

Licensing Fees	Amount
Application for Licensure	\$200
Application for Temporary Licensure	125
Oral Examination (Licensure, specialty change or additional specialty)	250
Jurisprudence Examination	75
License Renewal	320
Emeritus License Renewal	160
Reinstatement of Lapsed License (Application plus renewal fee)	570

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:647 (April 2007), amended LR 39:

**§603. Administrative/Other Fees**

Administrative/Other Fees	Amount
Address List/Labels	\$ 100
License Verification	15
Disciplinary Action Report	25
Directory and Statutory Reference Book (bounded copy plus shipping)	50
Replacement License Certificate	25
Replacement Renewal Certificate	10
Photo ID Card	25
Paper processing fees (paper renewals)	15
Renewal Extension Request	25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:648 (April 2007), amended LR 39:

**Family Impact Statement**

The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed amendments and adoption of the rules related to the increase of fees are implemented to guarantee the licensing authority can perform daily duties and safeguard the public welfare of this state and will have no known

foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Public Comments**

Interested persons may submit written comments to Kelly Parker, Executive Director, 8280 YMCA Plaza Drive, Bldg. 8-B, Baton Rouge, LA 70810. All comments must be submitted by 12 p.m., December 10, 2012.

Kelly Parker  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Fees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The estimated implementation cost for this rule totals approximately \$100 in FY 13 and only applies to the Board of Examiners of Psychologists. Those costs are related to publishing the proposed and final rule in the *Louisiana Register*.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

In accordance with R.S. 37:2354, this amendment modifies current licensing and administrative fees based on a large increase in licensure applications, temporary and renewal applications, and verification requests. Due to the administrative workload increase, the Board will increase its revenue in order to explore hiring additional temporary personnel. It is estimated these fee changes will result in an annual revenue increase of \$9,935. The following is a breakdown of the revised fees, new fees, and estimated increases in revenue based on the average number of annual applications/requests each year.

Current fee changes:

Application for Licensure fee from \$250 to \$200 (44 applications x -\$50 = -\$2,200)

Fee for bounded copies of the Directory & Statutory Reference Book from \$12.50 to \$50 (2 books x \$37.50 = \$75)

Fee for Photo ID Card from \$15 to \$25 (2 IDs x \$10 = \$20)

Fee for Licensure Verifications from \$5 to \$15 (405 verifications x \$10 = \$4,050)

New fees:

\$75 fee for the jurisprudence exam (32 examinees x \$75 = \$2,400)

\$125 application fee for Applications for Temporary Licensure (17 applicants x \$125 = \$2,125)

\$10 fee for all replacement Renewal Certificates (15 renewals x \$10 = \$150)

\$15 processing fee for renewals submitted via paper (196 paper renewals x \$15 = \$2,940)

\$25 administrative fee for Renewal Extension Requests (15 requests x \$25 = \$375)

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Persons interested in any of the abovementioned services provided by the Board will have to pay the Board according to the new fee schedule and will realize a cost increase or decrease depending on the service required.



IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Kelly Parker  
Executive Director  
1211#006

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Pharmacy**

**Durable Medical Equipment Permit  
(LAC 46:LIII.Chapter 24)**

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 et seq.) and the Pharmacy Practice Act (La. R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to create a new chapter of rules for limited service pharmacies, and further, to provide for the first classification of permit for such pharmacies to be issued to those suppliers of durable medical equipment that do not stock or supply prescription drugs. The proposed Rule identifies the durable medical equipment, medical devices and medical gases authorized by the permit, provides for the credentialing process, defines the standards of practice for durable medical equipment providers, and provides for certain exemptions to the credentialing requirement.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 24. Limited Service Providers**

**Subchapter A. Durable Medical Equipment**

**§2401. Definitions**

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

*Durable Medical Equipment (DME)*—technologically sophisticated medical devices that may be used in a residence, including the following:

- a. oxygen and oxygen delivery system;
- b. ventilators;
- c. respiratory disease management devices;
- d. continuous positive airway pressure (CPAP) devices;
- e. electronic and computerized wheelchairs and seating systems;
- f. apnea monitors;
- g. transcutaneous electrical nerve stimulator (TENS) units;
- h. low air loss cutaneous pressure management devices;
- i. sequential compression devices;
- j. feeding pumps;
- k. home phototherapy devices;
- l. infusion delivery devices;
- m. distribution of medical gases to end users for human consumption;
- n. hospital beds;
- o. nebulizers; and
- p. other similar equipment as determined by rule.

*Legend*—an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, “Caution: federal or state law requires dispensing by or on the order of a physician” and/or “Rx Only”, or any other designation required under federal law.

*Legend drug*—

a. any substance recognized as a drug in the official compendium, or supplement thereto, designated by the board for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in humans or animals;

b. any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals; or

c. any substance other than food intended to affect the structure or any function of the body of humans or other animals.

*Medical Gas*—those gases and liquid oxygen intended for human consumption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

**§2403. Durable Medical Equipment (DME) Permit**

A. No person or other entity shall sell, rent or provide, or offer to sell, rent or provide, directly or indirectly, to consumers in this state any durable medical equipment, legend devices, and/or medical gas until such person has obtained a Durable Medical Equipment (DME) permit from the board.

B. A DME permit shall authorize the permit holder to procure, possess and provide legend devices to the patient or end user; however, the DME permit shall not authorize the permit holder to procure, possess, or provide any prescription or legend drugs.

C. The board shall not issue a DME permit to any person or other entity that has not registered with the Louisiana Secretary of State to conduct business within the state.

**D. Licensing Procedures**

1. A person or other entity desiring to obtain a DME permit shall complete the application form supplied by the board and submit it with any required attachments and the application fee to the board.

2. The applicant shall provide a complete street address reflecting the location where the applicant will hold the equipment and engage in the activity for which the permit is acquired. The board shall not issue more than one permit for the same physical space.

3. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.

4. A person or other entity who knowingly or intentionally submits a false or fraudulent application shall be deemed to have violated R.S. 37:1241(A)(2).

5. Once issued, the DME permit shall expire on August 31 of every year. No person or other entity shall engage in the provision of DME with an expired DME permit.

**E. Maintenance of Permit**

1. A DME permit shall be valid only for the person or other entity to whom it is issued and shall not be subject to sale, assignment or other transfer, voluntary or involuntary,

nor shall a DME permit be valid for any premises other than the physical location for which it is issued.

2. The DME permit holder shall inform the board in writing of any and all changes to its business location within 10 calendar days, with such notice to include both the previous and new addresses.

3. A duplicate or replacement permit shall be issued upon the written request of the permit holder and payment of the required fee. A duplicate or replacement permit shall not serve or be used as an additional or second permit.

4. A DME provider changing ownership shall notify the board in writing 15 calendar days prior to the transfer of ownership.

a. A change of ownership shall be evident under the following circumstances:

- i. sale;
- ii. death of a sole proprietor;
- iii. the addition or deletion of one or more partners in a partnership;
- iv. bankruptcy sale; or
- v. a 50 percent , or more, change in ownership of a corporation, limited liability company, or association since the issuance of the original DME permit.

b. The new owner shall submit a properly completed application form with all required attachments and appropriate fee to the board.

#### F. Renewal and Reinstatement of Permit

1. The renewal of an active DME permit shall require the submission of a completed application form supplied by the board supplemented with any required attachments and appropriate fee, prior to the expiration date of the permit.

2. The reinstatement of an expired DME permit shall require the submission of a completed application form supplied by the board supplemented with any required attachments as well as the renewal and reinstatement fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

### §2405. Standards of Practice

A. The DME provider shall not furnish any legend device or medical gas to a patient without a prescription or medical order from a licensed practitioner with prescriptive authority.

#### B. General Requirements

1. The provider shall establish a suitable facility to house the equipment, allow for equipment maintenance work space, and contain sufficient space for the storage and retrieval of all required records.

2. The provider shall maintain the facility in a clean, orderly and sanitary condition at all times.

3. The facility shall be equipped with a functioning lavatory with hot and cold running water, or in the alternative, hand washing appliances or waterless hand cleaner are available.

4. The facility shall comply with all local and state building laws and fire codes.

5. The provider shall comply with all requirements from the United States Pharmacopeia (USP), the federal Food and Drug Administration (FDA), federal Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) relative to the storage,

packaging, labeling and shipping of DME including medical gases.

6. The provider shall staff the facility with an adequate number of qualified personnel to properly render DME services in the manner prescribed by law.

7. The provider shall make services continuously available without interruption when such services are essential to the maintenance of life or when the lack of services might reasonably cause harm.

8. The provider shall implement and maintain written procedures for handling complaints, and further, shall maintain a complaint file documenting all complaints and their resolution.

C. Requirements for Providers of Medical Gas, Oxygen and Respiratory Equipment

1. The provider shall comply with the following:

a. when transporting medical gas or oxygen in cylinder or liquid form, comply with all current DOT rules;

b. when trans-filling medical oxygen systems, comply with FDA and all state agency requirements regarding trans-filling and repackaging;

c. demonstrate that medical gas and oxygen provided in cylinder or liquid form meet minimum purity standards for medical grade gas or medical grade oxygen; and

d. adhere to the following safety inspection requirements:

i. demonstrate that each piece of oxygen or respiratory equipment has been checked, is free of defects, and operates within the manufacturer's specifications;

ii. refrain from modifying equipment to the extent that the modification might reasonably cause harm;

iii. maintain all electrical components so they do not present fire or shock hazard; and

iv. ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided.

2. The provider shall comply with the following recall procedures:

a. ensure that lot numbers and expiration dates are affixed to each cylinder delivered;

b. maintain a tracking system for all medical gas and oxygen delivered;

c. document all equipment serial numbers and model numbers to ensure that equipment can be retrieved in the event a recall is initiated; and

d. maintain records for equipment that requires FDA tracking.

3. The provider shall comply with the following maintenance and cleaning requirements:

a. maintain documentation demonstrating that a function and safety check of equipment was performed prior to set-up;

b. maintain an established protocol for cleaning and disinfecting equipment which addresses both aerobic and anaerobic pathogens;

c. maintain a Material Safety Data Sheet (MSDS) on file for solutions and products used in cleaning and disinfecting procedures;

d. maintain segregated areas on the premises and in delivery vehicles for clean, dirty and contaminated equipment;

e. clean and disinfect equipment according to manufacturers' specifications;

f. instruct the patient or caregiver on proper cleaning techniques as specified by the manufacturer; and

g. ensure that all medical gas, oxygen and respiratory equipment is properly identified by a tag or label as to its current status of use, i.e., out-of-order or ready for use.

4. The provider shall implement a comprehensive preventive maintenance program which shall include the following:

a. procedures for problem reporting, tracking, recall, and resolution;

b. performance of service as specified by the manufacturer and the documentation of such performance in the service records; and

c. routine inspection, service, and maintenance of equipment located in the patient's home according to the manufacturer's specifications.

5. The provider shall maintain repair logs to document repair and maintenance of equipment, and such logs shall contain the following information:

a. type of equipment;

b. manufacturer;

c. model;

d. serial number;

e. date of repair;

f. specific repair made; and

g. name of person or company performing the repair.

6. The provider shall maintain testing equipment to ensure accurate calibration. Testing equipment shall be appropriate for the level of service offered. Scales used to weigh liquid oxygen reservoirs shall be properly maintained to ensure accuracy.

7. The provider shall utilize client orientation checklists to review the following information with the patient or care giver:

a. instructions for use of the equipment;

b. safety precautions;

c. cleaning procedures;

d. maintenance procedures;

e. return demonstrations on back-up oxygen systems delivered;

f. instruction for emergency and routine contact procedures; and

g. delivery and review of written instruction materials to ensure the patient receives adequate information to properly operate the equipment.

8. A written plan of service shall be developed, implemented, and documented in the patient record. The plan of service shall include, but is not limited to, an assessment of the safety of the home environment, the ability of the patient or care giver to comply with the prescription or medical order, and the ability of the patient or care giver to operate and clean the equipment as instructed.

D. Requirements for Providers of Other Durable Medical Equipment

1. Providers who sell, rent or furnish other DME or legend devices shall comply with the following:

a. provide proper training to personnel for the safe delivery and use of any DME or legend device; and

b. ensure that all manufacturer's recommended assembly and maintenance procedures are followed; and

c. adhere to the following safety inspection measures:

i. demonstrate that each piece of DME or legend device has been checked, is free of defect and operates within the manufacturer's specifications;

ii. refrain from modifying equipment to the extent that the modification might reasonably cause harm;

iii. maintain all electrical components so they do not present fire or shock hazard; and

iv. ensure that all appropriate warning labels or labeling, including tags, are present on the equipment provided.

2. The provider shall comply with the following maintenance and cleaning requirements:

a. maintain documentation demonstrating that a function and safety check of equipment was performed prior to set-up;

b. maintain an established protocol for cleaning and disinfecting equipment which addresses both aerobic and anaerobic pathogens;

c. maintain a Material Safety Data Sheet (MSDS) on file for solutions and products used in cleaning and disinfecting procedures;

d. maintain segregated areas on the premises and in delivery vehicles for clean, dirty and contaminated equipment;

e. clean and disinfect equipment according to manufacturers' specifications; and

f. instruct the patient or caregiver on proper cleaning techniques as specified by the manufacturer.

E. Records Management for All DME Providers

1. An electronic record keeping system shall be implemented and maintained by the provider. The system shall provide adequate safeguards against unauthorized access, manipulation or alternation, and further, shall be susceptible to reconstruction in the event of electronic or computer malfunction or an unforeseen accident resulting in the destruction of the system or the information contained therein.

2. All records required in this Chapter shall be retained for a minimum of two years from the last transaction.

3. All records required in this Chapter shall be available and readily retrievable upon request for board inspection and review. In particular, such records shall be produced within seventy-two (72) hours of the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

#### §2407. Exemptions

A. The credentialing requirements of this Subchapter shall not apply to the following persons or entities unless such persons or entities have separate business entities engaged in the business of providing DME to patients at their home:

1. chiropractors;

2. dentists;

3. occupational therapists;

4. optometrists;

5. physical therapists;
6. physicians;
7. podiatrists;
8. respiratory therapists;
9. speech pathologists;
10. veterinarians;
11. distributors;
12. home health agencies;
13. hospice programs;
14. hospitals;
15. long term care facilities;
16. manufacturers; and
17. pharmacies.

B. Pharmacies, although excluded from the credentialing requirements of this Subchapter, shall be subject to and comply with the standards of practice identified herein.

C. Nothing in this Subchapter shall be construed to prohibit the pre-hospital emergency administration of oxygen by licensed health care providers, emergency medical technicians, first responders, fire fighters, law enforcement officers and other emergency personnel trained in the proper use of emergency oxygen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:

#### **Family Impact Statement**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.
4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.
5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### **Small Business Statement**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The establishment of less stringent compliance or reporting requirements for small businesses. The recordkeeping and reporting requirements are focused on outcomes; providers are free to select their own methods for achieving compliance.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. The 72-hour requirement for the production of records is facilitated by the requirement for the use of electronic recordkeeping systems.

3. The consolidation or simplification of compliance or reporting requirements for small businesses. Providers are free to simplify their recordkeeping systems as long as they can achieve the outcomes specified in the proposed Rule.

4. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed Rule. The practice standards focus on outcomes, and providers are free to select their operational standards.

5. The exemption of small businesses from all or any part of the requirements contained in the proposed Rule. There are no exemptions for small businesses in the proposed Rule.

#### **Public Comments**

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Durable Medical Equipment Permit**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The Board proposes to establish a special classification of pharmacy permit intended for use by durable medical equipment (DME) providers that do not stock prescription or legend drugs. The requirements for a DME permit will be less stringent in terms of minimum physical specifications compared to the requirements warranted for prescription drugs or controlled substances. It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13 for printing costs.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will require this subset of DME providers to obtain and maintain a DME permit, which costs \$150, instead of a pharmacy permit. Previously, the requirement that DME providers that do not sell prescription drugs obtain a pharmacy permit was not enforced since the Board anticipated creating the specialized DME permit. As a result of rule change, the Board estimates 500 suppliers will apply for the new DME permit in FY 13, resulting in approximately \$75,000 in increased revenue for the Board in the first year (500 x \$150). The Board estimates an additional \$75,000 in annual revenue in subsequent years from renewal fees (\$125 each) and any additional new permit applications [(\$125 x 450 renewals) + (\$150 x 125 new permits) = \$75,000].

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

In addition to the \$150 initial permit fee and \$125 annual renewal fee, DME providers are required to use an electronic recordkeeping system. However, the rule permits the provider to use the information system of their choice to maintain transaction information as well as repair logs for the equipment and devices it stocks and supplies. As such, costs will vary according to the system each provider chooses to purchase and utilize.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this proposed rule.

Malcolm J. Broussard  
Executive Director  
1211#044

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Adult Dentures Program  
Reimbursement Rate Reduction  
(LAC 50:XXV.701)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XXV.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq.

As a result of a budgetary shortfall in state fiscal year 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Adult Denture Program to extend the time period allowed for denture replacements and relines (*Louisiana Register*, Volume 36, Number 9).

Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for adult denture services to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXV. Adult Dentures**

**Chapter 7. Reimbursement**

**§701. Fees**

A. ...

B. Effective for dates of service on or after July 1, 2012, the reimbursement fees on file for the following adult denture services shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the comprehensive evaluation exam; and
2. 56 percent for full mouth x-ray.

C. Removable prosthodontics shall be excluded from the July 1, 2012 reimbursement rate reduction.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 in the event that provider participation in the Medicaid Program is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Adult Dentures  
Program—Reimbursement Rate Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will result in a reduction in estimated state general fund programmatic savings of \$2,758 for FY 12-13 \$3,403 for FY 13-14 and \$3,505 for FY 14-15. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$5,577 for FY 12-13, \$6,464 for FY 13-14 and \$6,658 for FY 14-15. It is anticipated that \$123 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule continues the provisions of the July 1, 2012 Emergency Rule which amended the provisions governing the reimbursement methodology for adult denture services to reduce the reimbursement rates. It is anticipated that implementation of this proposed Rule will reduce programmatic expenditures in the Medicaid Program by approximately \$8,622 for FY 12-13, \$9,867 for FY 13-14 and \$10,163 for FY 14-15.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, it is anticipated that the implementation of this proposed Rule may have a negative effect on employment as it will reduce the payments made for adult denture services. The reduction in payments may adversely impact the financial standing of providers and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#106

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing  
and  
Office of Aging and Adult Services**

All Inclusive Care for the Elderly  
Reimbursement Rate Reduction  
(LAC 50:XXIII.1301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXIII.1301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amended the provisions governing the reimbursement methodology for the Program of All Inclusive Care for the Elderly (PACE) to reduce the capitated amount paid to PACE organizations (*Louisiana Register*, Volume 37, Number 6).

Due to a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for PACE to reduce the capitated amount paid to PACE organizations (*Louisiana Register*, Volume 38, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXIII. All Inclusive Care for the Elderly**

**Chapter 13. Reimbursement**

**§1301. Payment**

A. - L. ...

M. Effective for dates of service on or after July 1, 2012, the monthly capitated amount paid to a PACE organization shall be reduced by 2 percent of the capitated amount on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:250 (February 2004), amended LR 33:850 (May 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:1572 (June 2011), LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 in the event that provider participation in the PACE Program is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: All Inclusive Care for the  
Elderly—Reimbursement Rate Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic

savings to the state of \$82,473 for FY 12-13, \$87,797 for FY 13-14, and \$90,432 for FY 14-15. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$164,427 for FY 12-13, \$166,763 for FY 13-14, and \$171,765 for FY 14-15. It is anticipated that \$123 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule, which continues the provisions of the July 1, 2012 emergency Rule, amends the provisions governing the Program for All Inclusive Care for the Elderly (PACE) to reduce the capitated amount paid to PACE organizations (approximately 2,840 service units). It is anticipated that implementation of this proposed Rule will reduce program expenditures in the Medicaid Program by approximately \$247,146 for FY 12-13, \$254,560 for FY 13-14, and \$262,197 for FY 14-15.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, we anticipate that the implementation may have a negative effect on employment as it will reduce the payments made to PACE organizations. The reduction in payments may adversely impact the financial standing of these organizations and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#107

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Ambulatory Surgical Centers  
Reimbursement Rate Reduction  
(LAC 50:XI.7503)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XI.7503 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for ambulatory surgical centers to further reduce the reimbursement rates paid for ambulatory surgical services (*Louisiana Register*, Volume 37, Number 6).

As a result of a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for ambulatory surgical centers to reduce the reimbursement rates (*Louisiana Register*, Volume 38,

Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XI. Clinic Services**

**Subpart 11. Ambulatory Surgical Centers**

**Chapter 75. Reimbursement**

**§7503. Reimbursement Methodology**

A. - F. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement for surgical services provided by an ambulatory surgical center shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1889 (September 2009), amended LR 36:2278 (October 2010), LR 37:1572 (June 2011), LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 in the event that provider participation is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Ambulatory Surgical  
Centers—Reimbursement Rate Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic savings to the state of \$9,860 for FY 12-13, \$10,611 for FY 13-14, and \$10,929 for FY 14-15. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 12-13 for the

state's administrative expense for promulgation of this proposed Rule and the final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$19,764 for FY 12-13, \$20,155 for FY 13-14, and \$20,760 for FY 14-15. It is anticipated that \$123 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule, which continues the provisions of the July 1, 2012 Emergency Rule, amends the provisions governing the reimbursement methodology for ambulatory surgical centers to reduce the reimbursement rates for surgical services (approximately 28,500 services annually). It is anticipated that implementation of this proposed Rule will reduce program expenditures in the Medicaid Program by approximately \$29,870 for FY 12-13, \$30,766 for FY 13-14, and \$31,689 for FY 14-15.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, we anticipate that the implementation may have a negative effect on employment as it will reduce the payments made to ambulatory surgical centers. The reduction in payments may adversely impact the financial standing of ambulatory surgical centers and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#108

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing  
and  
Office of Behavioral Health**

Behavioral Health Services  
Statewide Management Organization  
Adults Capitated Payment Reduction  
(LAC 50:XXXIII.501)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Behavioral Health propose to amend LAC 50:XXXIII.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated behavioral health services system under the Louisiana Medicaid Program to provide services through the utilization of a statewide management organization that is responsible for the necessary administrative and operational functions to ensure adequate coordination and delivery of behavioral health services (*Louisiana Register*, Volume 38, Number 2).

As a result of a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement of adult behavioral health services coordinated through the Statewide Management Organization to reduce the capitated payment amount (*Louisiana Register*, Volume 38, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXXIII. Behavioral Health Services**

**Subpart 1. Statewide Management Organization**

**Chapter 5. Reimbursement**

**§501. Reimbursement Methodology**

A. - B. ...

C. Effective for dates of service on or after July 1, 2012, the monthly capitation payments to the PIHP/SMO for adult behavioral health services shall be reduced by 1.927 percent of the monthly capitation payments on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:363 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 in the event that provider participation in the Medicaid Program is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary



**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Behavioral Health Services  
Statewide Management Organization  
Adults Capitated Payment Reduction**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in a reduction in estimated state programmatic costs of \$826,812 for FY 12-13 \$879,057 for FY 13-14 and \$905,166 for FY 14-15. It is anticipated that \$328 (\$164 SGF and \$164 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$1,647,354 for FY 12-13, \$1,669,672 for FY 13-14 and \$1,720,025 for FY 14-15. It is anticipated that \$164 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

This proposed Rule continues the provisions of the July 1, 2012 Emergency Rule which amended the provisions governing the reimbursement of adult behavioral health services coordinated through the Statewide Management Organization to reduce the capitated payment amount. It is anticipated that implementation of this proposed Rule will reduce programmatic expenditures in the Medicaid Program by approximately \$2,474,494 for FY 12-13, \$2,548,729 for FY 13-14 and \$2,625,191 for FY 14-15.

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

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, it is anticipated that the implementation of this proposed Rule may have a negative effect on employment as it will reduce the payments made to the Statewide Management Organization for adult behavioral health services. The reduction in payments may adversely impact the financial standing of providers and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#109

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing  
and  
Office of Behavioral Health**

Children's Behavioral Health Services  
Reimbursement Rate Reduction  
(LAC 50:XXXIII.2701)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health propose to amend LAC 50:XXXIII.2701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated services system through the Louisiana Behavioral Health Partnership to provide behavioral health services to children under the age of 21 (*Louisiana Register*, Volume 38, Number 2).

Due to a budgetary shortfall in state fiscal year 2013, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for children's behavioral health services to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XXXIII. Behavioral Health Services**

**Subpart 3. Children's Behavioral Health Services**

**Chapter 27. Reimbursement**

**§2701. Reimbursement Methodology**

A. ...

B. Effective for dates of service on or after July 1, 2012, the reimbursement rates for the following behavioral health services provided to children/adolescents shall be reduced by 1.44 percent of the rates in effect on June 30, 2012:

1. therapeutic services;
2. rehabilitation services; and
3. crisis intervention services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:365 (February 2012), amended LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability and autonomy as described in R.S. 49:972 in the event that provider participation is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written

comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Children's Behavioral Health  
Services—Reimbursement Rate Reduction**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings to the state of \$793,358 for FY 12-13, \$843,452 for FY 13-14, and \$868,756 for FY 14-15. It is anticipated that \$246 (\$123 SGF and \$123 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$1,580,666 for FY 12-13, \$1,602,046 for FY 13-14, and \$1,650,107 for FY 14-15. It is anticipated that \$123 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule, which continues the provisions of the July 1, 2012 Emergency Rule, amends the provisions governing the reimbursement methodology for children's behavioral health services to reduce the reimbursement rates. It is anticipated that implementation of this proposed Rule will reduce program expenditures in the Medicaid Program by approximately \$2,374,270 for FY 12-13, \$2,445,498 for FY 13-14, and \$2,518,863 for FY 14-15.

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

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, we anticipate that the implementation may have a negative effect on employment as it will reduce the payments made for children's behavioral health services. The reduction in payments may adversely impact the financial standing of providers and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#110

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

Early and Periodic Screening  
Diagnosis and Treatment Program  
(LAC 50:XV.6501 and Chapter 67)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:XV.6501 and to repeal Chapter 67 in the Medical Assistance Program as authorized by R.S. 36:254 and

pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program to extend the timeframe to submit KIDMED claims in order to comply with federal regulations governing timely claims filing (*Louisiana Register*; Volume 36, Number 4).

The department now proposes to amend the Rule governing the EPSDT Program in order to repromulgate the provisions governing screening services in the appropriate Section of LAC 50:XV.Chapter 65, and to repeal Chapter 67 governing the KIDMED Program in order to remove the references to the KIDMED Program since the formal program was terminated on June 1, 2012 and all of its screening and monitoring services were absorbed into the EPSDT Program.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XV. Services for Special Populations**

**Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment**

**Chapter 65. General Provisions**

**§6501. Screening Services**

A. All providers of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) preventive screening services shall be required to submit information to the Medicaid Program regarding recipient immunizations, referrals, and health status.

B. Screening services rendered to Medicaid-eligible children under 21 years of age and reimbursable under the EPSDT Program shall include:

1. health education (including anticipatory guidance) as a minimum component in addition to a comprehensive health and development history (including assessment of both physical and mental health development);
2. a comprehensive unclothed physical exam;
3. appropriate immunizations according to age and health history; and
4. laboratory tests (including blood lead level assessment appropriate for age and risk factors).

C. Vision and hearing services shall be performed according to distinct periodicity schedules which meet reasonable standards of medical practice, as determined after consultation with recognized medical organizations involved in child health care.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

**Chapter 67. KIDMED**

**§6701. General Provisions**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1698 (August 2004), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

### §6703. Screening Services

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:175 (February 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

### §6705. Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:175 (February 2003), amended LR 30:800 (April 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:759 (April 2010), repealed LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

#### Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

#### Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Early and Periodic Screening, Diagnosis and Treatment Program

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 12-13. It is anticipated that \$492 (\$246 SGF and \$246 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed rule and the final Rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 12-13. It is anticipated that \$246 will be collected in FY 12-13 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule proposes to amend the Rule governing the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program in order to repromulgate the provisions governing EPSDT screening services in the appropriate Section of the Louisiana Administrative Code, and to remove the references to the KIDMED Program since the formal program was terminated on June 1, 2012 and all of its screening and monitoring services were absorbed into the EPSDT Program. It is anticipated that implementation of this proposed Rule will not have economic cost or benefits to KIDMED providers for FY 12-13, FY 13-14, and FY 14-15 since they will continue to participate under the EPSDT Program.

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

This Rule has no known effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1211#112

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Bureau of Health Services Financing

Early and Periodic Screening—Diagnosis and Treatment  
Dental Program—Reimbursement Rate Reduction  
(LAC 50:XV.6903)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XV.6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Due to a continuing budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for dental services in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program to further reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 6).

As a result of a budgetary shortfall in state fiscal year 2013, the department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for EPSDT dental services to reduce the reimbursement rates (*Louisiana Register*, Volume 38, Number 7). This proposed Rule is being promulgated to continue the provisions of the July 1, 2012 Emergency Rule.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part XV. Services for Special Populations**

**Subpart 5. Early and Periodic Screening, Diagnosis and Treatment**

**Chapter 69. Dental Services**

**§6905. Reimbursement**

A. - H. ...

I. Effective for dates of service on or after July 1, 2012, the reimbursement fees for EPSDT dental services shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the following oral evaluation services:

- a. periodic oral examination;
- b. oral examination-patients under three years of age; and
- c. comprehensive oral examination-new patients;

2. 62 percent for the following annual and periodic diagnostic and preventive services:

- a. radiographs-periapical, first film;
- b. radiographs-periapical, each additional film;
- c. radiographs-panoramic film;
- d. diagnostic casts;
- e. prophylaxis-adult and child;
- f. topical application of fluoride, adult and child (prophylaxis not included); and
- g. topical fluoride varnish, therapeutic application for moderate to high caries risk patients (under 6 years of age);

3. 45 percent for the following diagnostic and adjunctive general services:

- a. oral/facial image;
  - b. non-intravenous conscious sedation; and
  - c. hospital call; and
4. 56 percent for the remainder of the dental services.

J. Removable prosthodontics and orthodontic services are excluded from the July 1, 2012 rate reduction.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:1138 (June 2007), amended LR 34:1032 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1890 (September 2009), amended LR 36:2040 (September 2010), LR 37:1598 (June 2011), LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have an adverse impact on family functioning, stability, or autonomy as described in R.S.

49:972 in the event that provider participation in the Medicaid Program is diminished as a result of reduced reimbursement rates.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December, 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Early and Periodic Screening, Diagnosis and Treatment—Dental Program—Reimbursement Rate Reduction**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic savings of \$1,033,581 for FY 12-13, \$1,177,383 for FY 13-14, and \$1,212,705 for FY 14-15. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$2,059,325 for FY 12-13, \$2,236,312 for FY 13-14, and \$2,303,401 for FY 14-15. It is anticipated that \$205 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule, which continues the provisions of the July 1, 2012 Emergency Rule, amends the provisions governing the reimbursement methodology for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) dental services to reduce the reimbursement rates. It is anticipated that implementation of this proposed Rule will reduce program expenditures in the Medicaid Program by approximately \$3,093,316 for FY 12-13, \$3,413,695 for FY 13-14, and \$3,516,106 for FY 14-15.

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

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, we anticipate that the implementation may have a negative effect

on employment as it will reduce the reimbursement fees paid for EPSDT dental services. The reduction in payments may adversely impact the financial standing of dentists and could possibly cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#111

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers  
Community Choices Waiver (LAC 50:XXI.8105, 8301,  
8302, 8305, 8307, 8311, 8313, 8315, 8321, 8323, 8501,  
8701, 8901, 8903, 9301, 9303, 9501, and 9503)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI. Chapters 82, 83, 85, 87, 89, 93, and 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopted provisions which established the Community Choices Waiver Program to replace the Elderly and Disabled Adults (EDA) Waiver (*Louisiana Register*, Volume 37, Number 12). The department promulgated an Emergency Rule which amended the December 20, 2011 Rule to clarify provisions governing the delivery of services, to remove the wage pass-through language that was erroneously included in the Rule, and to comply with a court-mandated standard for use in the determination of expedited Community Choices Waiver slots and addition of waiver opportunities (*Louisiana Register*, Volume 38, Number 2). This proposed Rule is being promulgated to amend the provisions of the December 20, 2011 Rule, and to clarify and continue the provisions of the February 20, 2012 Emergency Rule governing the Community Choices Waiver.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXI. Home and Community Based Services Waivers

#### Subpart 7. Community Choices Waiver

#### Chapter 81. General Provisions

#### §8105. Programmatic Allocation of Waiver Opportunities

A. - D. ...

E. Notwithstanding the priority group provisions, up to 300 Community Choices Waiver opportunities may be granted to qualified individuals who require emergency waiver services. These individuals shall be offered an opportunity on a first-come, first-serve basis.

1. To be considered for an expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under the Long Term Personal Care Services Program and require institutional placement, unless offered an expedited waiver opportunity.

2. - 2.b. ...

c. the support from an informal caregiver is not available due to a family crisis;

d. the person lives alone and has no access to informal support; or

e. for other reasons, the person lacks access to adequate informal support to prevent nursing facility placement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 39:

#### Chapter 83. Covered Services

#### §8301. Support Coordination

A. Support coordination is services that will assist participants in gaining access to needed waiver and other state plan services, as well as needed medical, social, educational, housing, and other services, regardless of the funding source for these services. Support coordination agencies shall be required to perform the following core elements of support coordination services:

1. intake;
2. assessment;
3. plan of care development and revision;
4. linkage to direct services and other resources;
5. coordination of multiple services among multiple providers;
6. monitoring and follow-up;
7. reassessment;
8. evaluation and re-evaluation of the level of care and need for waiver services;
9. ongoing assessment and mitigation of health, behavioral and personal safety risk;
10. responding to participant crises;
11. critical incident management; and
12. transition/discharge and closure.

B. Support coordinators shall provide information and assistance to waiver participants in directing and managing their services.

1. When participants choose to self-direct their waiver services, the support coordinators are responsible for informing participants about:

- a. their responsibilities as an employer;
- b. how their activities as an employer are coordinated with the fiscal agent and support; and
- c. their responsibility to comply with all applicable state and federal laws, rules, policies, and procedures.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:

### **§8302. Long-Term Personal Care Services**

A. Community Choices Waiver participants cannot also receive long-term personal care services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:

### **§8305. Environmental Accessibility Adaptations**

A. - A.1. ...

a. Once identified by MDS-HC, a credentialed assessor must verify the need for, and draft job specifications including quotes for, the environmental accessibility adaptation(s).

b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:

### **§8307. Personal Assistance Services**

A. - A.3. ...

4. supervision or assistance with health related tasks (any health related procedures governed under the Nurse Practice Act) in accordance with applicable laws governing the delegation of medical tasks/medication administration;

5. supervision or assistance while escorting/accompanying the participant outside of the home to perform tasks, including instrumental activities of daily living, health maintenance or other needs as identified in the POC and to provide the same supervision or assistance as would be rendered in the home; and

A.6. - C. ...

D. PAS may be provided through the "a.m. and p.m." delivery option defined as follows:

1. a minimum of one hour and a maximum of two hours of PAS provided to assist the participant at the beginning of his/her day, referred to as the "a.m." portion of this PAS delivery method; and

2. a minimum of one hour and a maximum of two hours to assist the participant at the end of his/her day, referred to as the "p.m." portion of this PAS delivery method; and

3. a minimum four hours break between the "a.m." and the "p.m." portions of this PAS delivery method; and

4. not to exceed a maximum of four hours of PAS being provided within a calendar day;

5. "a.m. and p.m." PAS cannot be "shared" and may not be provided on the same calendar day as other PAS delivery methods;

6. it is permissible to receive only the "a.m." or "p.m." portion of PAS within a calendar day. However, "a.m." and/or "p.m." PAS may not be provided on the same calendar day as other PAS delivery methods;

7. PAS providers must be able to provide both regular and "a.m." and "p.m." PAS and cannot refuse to accept a Community Choices Waiver participant solely due to the type of PAS delivery method that is listed on the POC.

E. PAS may be provided by one worker for up to three waiver participants who live together and who have a

common direct service provider. Waiver participants may share PAS staff when agreed to by the participants and as long as the health and welfare of each participant can be reasonably assured. Shared PAS is to be reflected in the POC of each participant. Reimbursement rates shall be adjusted accordingly.

1. - 6. Repealed.

F. A home health agency direct service worker who renders PAS must be a qualified home health aide as specified in Louisiana's Minimum Licensing Standards for Home Health Agencies.

G. Every PAS provider shall ensure that each waiver participant who receives PAS has a written individualized back-up staffing plan and agreement for use in the event that the assigned PAS worker is unable to provide support due to unplanned circumstances, including emergencies which arise during a shift. The individualized plan and agreement shall be developed and maintained in accordance with OAAS policy.

H. Every PAS provider shall ensure timely completion of the emergency plan for each waiver participant they serve in accordance with OAAS Policy.

I. The following individuals are prohibited from being reimbursed for providing services to a participant:

1. the participant's spouse;
2. the participant's curator;
3. the participant's tutor;
4. the participant's legal guardian;
5. the participant's responsible representative; or
6. the person to whom the participant has given representative and mandate authority (also known as power of attorney).

J. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by a provider of services who is not related by blood or marriage to the participant.

1. - 6. Repealed.

K. It is permissible for the PAS allotment to be used flexibly in accordance with the participant's preferences and personal schedule and OAAS' documentation requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:

### **§8311. Adult Day Health Care Services**

A. ...

B. ADHC Services include:

1. meals, which shall not constitute a "full nutritional regimen" (three meals per day) but shall include a minimum of two snacks and a hot nutritious lunch;

2. transportation between the participant's place of residence and the ADHC in accordance with licensing standards;

B.3. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:

**§8313. Caregiver Temporary Support Services**

A. ...  
B. Federal financial participation is not claimed for the cost of room and board except when provided as part of caregiver temporary support services furnished in a facility approved by the state that is not a private residence.

C. - F. ...  
G. Caregiver temporary services may be utilized no more than 30 calendar days or 29 overnight stays per plan of care year for no more than 14 consecutive calendar days or 13 consecutive overnight stays. The service limit may be increased based on documented need and prior approval by OAAS.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:

**§8315. Assistive Devices and Medical Supplies**

A. Assistive devices and medical supplies are specialized medical equipment and supplies which include devices, controls, appliances, or nutritional supplements specified in the POC that enable participant to:

A.1. - H. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:

**§8321. Nursing Services**

A. Nursing services are services that are medically necessary and may only be provided efficiently and effectively by a registered nurse or a licensed practical nurse working under the supervision of a registered nurse. These nursing services provided must be within the scope of the Louisiana statutes governing the practice of nursing.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:

**§8323. Skilled Maintenance Therapy**

A. Skilled maintenance therapy is therapy services that may be received by Community Choices Waiver participants in the home.

B. - D. ...  
E. Services may be provided in a variety of locations including the participant's home or as approved by the POC planning team.

F. - F.3.i. ...  
4. Respiratory therapy services which provide preventative and maintenance of airway-related techniques and procedures including:

F.4.a. - H. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

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

Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:

**Chapter 85. Self-Direction Initiative**

**§8501. Self-Direction Service Option**

A. The self-direction initiative is a voluntary, self-determination option which allows the participant to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider agency. Selection of this option requires that the participant utilize a payment mechanism approved by the department to manage the required fiscal functions that are usually handled by a provider agency.

- B. - C.2.d.ii. ...  
iii. fails to provide required documentation of expenditures and related items;  
iv. fails to cooperate with the fiscal agent or support coordinator in preparing any additional documentation of expenditures;  
v. violates Medicaid Program rules or guidelines of the self-direction option; or  
vi. fails to receive self-directed services for 90 days or more.

D. Employee Qualifications. All employees under the self-direction option must:

1. be at least 18 years of age on the date of hire; and
2. complete all training mandated by OAAS within the specified timelines.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:

**Chapter 87. Plan of Care**

**§8701. Plan of Care**

A. The applicant and support coordinator have the flexibility to construct a plan of care that serves the participant's health and welfare needs. The service package provided under the POC shall include services covered under the Community Choices Waiver in addition to services covered under the Medicaid state plan (not to exceed the established service limits for either waiver or state plan services) as well as other services, regardless of the funding source for these services. All services approved pursuant to the POC shall be medically necessary and provided in a cost-effective manner. The POC shall be developed using a person-centered process coordinated by the support coordinator.

B. Reimbursement shall not be made for Community Choices Waiver services provided prior to the department's, or its designee's, approval of the POC.

- C. - C.1. ...  
2. individual cost of each waiver service; and  
3. the total cost of waiver services covered by the POC.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:

## **Chapter 89. Admission and Discharge Criteria**

### **§8901. Admission Criteria**

A. - A.5. ...

B. Failure of the individual to cooperate in the eligibility determination, plan of care development process or to meet any of the criteria above shall result in denial of admission to the Community Choices Waiver.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:

### **§8903. Admission Denial or Discharge Criteria**

A. - A.6. ...

7. The individual fails to cooperate in the eligibility determination or plan of care development processes or in the performance of the POC.

8. Failure on behalf of the individual to maintain a safe and legal environment.

9. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:

## **Chapter 93. Provider Responsibilities**

### **§9301. General Provisions**

A. ...

B. The provider agrees to not request payment unless the participant for whom payment is requested is receiving services in accordance with the Community Choices Waiver Program provisions and the services have been prior authorized and actually provided.

C. Any provider of services under the Community Choices Waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

C.1. - D. ...

E. Any provider of services under the Community Choices Waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. harassment;
2. intimidation; or

3. threats against program participants or members of their informal support network, of DHH, or support coordination staff.

F. Any provider of services under the Community Choices Waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified service area.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:

## **§9303. Reporting Requirements**

A. Support coordinators and direct service providers are obligated to report, within specified time lines, any changes to the department that could affect the waiver participant's eligibility including, but not limited to, those changes cited in the denial or discharge criteria.

B. Support coordinators and direct service providers are responsible for documenting the occurrence of incidents or accidents that affect the health and welfare of the participant and for completing an incident report. The incident report shall be submitted to the department or its designee with the specified requirements within specified time lines.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:

## **Chapter 95. Reimbursement**

### **§9501. Reimbursement Methodology**

A. - A.1.a. ...

b. for dates of service on or after November 1, 2012, personal assistance services furnished to two participants shall be reimbursed at 82.79 percent of the full rate for each participant;

c. for dates of service on or after November 1, 2012, personal assistance services furnished to three participants shall be reimbursed at 72.4 percent of the full rate for each participant;

2. in-home caregiver temporary support service when provided by a personal care services or home health agency;

3. caregiver temporary support services when provided by an adult day health care center; and

4. adult day health care services.

B. - C.1.c. ...

D. The following services shall be reimbursed at an established monthly rate:

1. support coordination;

2. transition intensive support coordination; and

3. monthly monitoring/maintenance for certain assistive devices/technology and medical supplies procedures.

E. - G. ...

H. Reimbursement shall not be made for Community Choices Waiver services provided prior to the department's approval of the POC and release of prior authorization for the services.

I. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:

### **§9503. Direct Support Professionals Wage**

#### **Enhancement**

A. The minimum hourly rate paid to direct support professionals shall be at least the current federal minimum.

A.1 - B. Repealed.

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



HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

#### Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Home and Community-Based Services Waivers—Community Choices Waiver

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in estimated state programmatic costs of \$208,758 for FY 12-13, \$220,728 for FY 13-14 and \$227,350 for FY 14-15. It is anticipated that \$2,214 (\$1,107 SGF and \$1,107 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$414,793 for FY 12-13, \$419,249 for FY 13-14 and \$431,827 for FY 14-15. It is anticipated that \$1,107 will be collected in FY 12-13 for the federal share of the expense for promulgation of this proposed rule and the final rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues and clarifies the provisions of the February 20, 2012 emergency rule which amended the provisions governing the Community Choices Waiver (CCW) to clarify provisions governing the delivery of services, to remove the wage pass-through language that was erroneously

included in the rule, and to comply with a court-mandated standard for use in the determination of expedited CCW slots and the addition of waiver opportunities. It is anticipated that implementation of this proposed rule will increase programmatic expenditures by approximately \$621,337 for FY 12-13, \$639,977 for FY 13-14 and \$659,177 for FY 14-15.

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

This rule has no known effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1211#113

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Bureau of Health Services Financing

Inpatient Hospital Services  
Free-Standing Psychiatric Hospitals  
Low Income and Needy Care Collaboration  
(LAC 50:V.959)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:V.959 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Due to a continuing budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates paid to non-rural, non-state hospitals, including free-standing psychiatric hospitals (*Louisiana Register*, Volume 37, Number 7).

The department promulgated an Emergency Rule which amended the provisions of the July 2011 final Rule in order to provide for a supplemental Medicaid payment to non-rural, non-state free-standing psychiatric hospitals that enter into an agreement with a state or local governmental entity for the purpose of providing healthcare services to low income and needy patients (*Louisiana Register*, Volume 37, Number 12). This proposed Rule is being promulgated to continue the provisions of the January 1, 2012 Emergency Rule.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospitals

#### Chapter 9. Non-Rural, Non-State Hospitals

#### Subchapter B. Reimbursement Methodology

#### §959. Inpatient Psychiatric Hospital Services

A. - J. ...

K. Low Income and Needy Care Collaboration. Effective for dates of service on or after January 1, 2012, quarterly supplemental payments shall be issued to qualifying non-rural, non-state free-standing psychiatric hospitals for inpatient services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group

shall not exceed the available upper payment limit per state fiscal year.

1. **Qualifying Criteria.** In order to qualify for the supplemental payment, the non-state free-standing psychiatric hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A non-state free-standing psychiatric hospital is defined as a free-standing psychiatric hospital which is owned or operated by a private entity.

b. A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a hospital and a state or local governmental entity to collaborate for the purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the inpatient services rendered during the quarter. Quarterly payment distribution shall be limited to one-fourth of the lesser of:

a. the difference between each qualifying hospital's inpatient Medicaid billed charges and Medicaid payments the hospital receives for covered inpatient psychiatric services provided to Medicaid recipients. Medicaid billed charges and payments will be based on a 12 consecutive month period for claims data selected by the department; or

b. for hospitals participating in the Medicaid Disproportionate Share Hospital (DSH) Program, the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1895 (September 2009), amended LR 36:1554 (July 2010), LR 36:2562 (November, 2010), LR 37:2162 (July 2011), LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

#### **Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. She is responsible for responding to inquiries regarding this proposed Rule.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge,

LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Inpatient Hospital Services Free-Standing Psychiatric Hospitals Low Income and Needy Care Collaboration**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule could potentially result in estimated state programmatic costs of \$18,144,253 for FY 12-13, \$19,286,710 for FY 13-14, and \$19,865,311 for FY 14-15; however, the state match shall be funded through an intergovernmental transfer of funds from the qualifying hospital to the department to secure federal match to fund the supplemental payments. To the extent that DHH enters into such agreements, this could result in a contractual savings at the public psych hospitals. The state has not incurred any expenditures to date as there currently are no participating providers. It is anticipated that \$410 (\$205 SGF and \$205 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed rule and the final rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule may increase federal revenue collections by approximately \$36,147,143 for FY 12-13 \$36,633,006 for FY 13-14 and \$37,731,996 for FY 14-15. It is anticipated that \$205 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule continues the provisions of the January 1, 2012 emergency rule which amended the provisions governing the reimbursement methodology for inpatient hospital services to provide a supplemental Medicaid payment to free-standing psychiatric hospitals that enter into an agreement with a state or local governmental entity to provide health care services to low-income and needy patients (currently no participating hospitals). It is anticipated that implementation of this proposed rule could potentially increase programmatic expenditures in the Medicaid Program by approximately \$54,290,986 for FY 12-13, \$55,919,716 for FY 13-14 and \$57,597,307 for FY 14-15.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1211#114

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health and Hospitals Bureau of Health Services Financing

#### Inpatient Hospital Services—Major Teaching Hospitals Qualifying Criteria (LAC 50:V.1301-1309)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.1301-1309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule that established the reimbursement of major and minor teaching hospitals as peer groups under the prospective reimbursement methodology for hospitals (*Louisiana Register*, Volume 20, Number 6). The department amended the June 20, 1994 Rule to adopt new criteria for the reimbursement of graduate medical education (GME) pursuant to Section 15 Schedule 09 of Act 19 of the 1998 Regular Session of the Louisiana Legislature and R.S. 39:71 et seq (*Louisiana Register*, Volume 26, Number 3).

Act 347 of the 2009 Regular Session of the Louisiana Legislature revised the qualifying criteria for major teaching hospitals. In compliance with Act 347, the department promulgated an Emergency Rule which amended the provisions governing the qualifying criteria for major teaching hospitals. This Emergency Rule also repromulgated the March 20, 2000 Rule governing teaching hospitals in a codified format for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 36, Number 6). The department promulgated an Emergency Rule which amended the July 1, 2010 Emergency Rule to clarify the qualifying criteria for a major teaching hospital (*Louisiana Register*, Volume 37, Number 11). This proposed Rule is being promulgated to continue the provisions of the November 20, 2011 Emergency Rule.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospital Services

#### Chapter 13. Teaching Hospitals

#### Subchapter A. General Provisions

#### §1301. Major Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a major teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME). A major teaching hospital shall meet one of the following criteria:

1. be a major participant in at least four approved medical residency programs and maintain an intern and resident full-time equivalency of at least 15 filled positions. At least two of the programs must be in medicine, surgery, obstetrics/gynecology, pediatrics, family practice, emergency medicine or psychiatry; or

2. maintain an intern and resident full-time equivalency of at least 20 filled positions with an approved medical residency program in family practice located more

than 150 miles from the medical school accredited by the LCME.

B. For the purposes of recognition as a major teaching hospital, a facility shall be considered a "major participant" in a graduate medical education program if it meets the following criteria. The facility must:

1. pay for all of the costs of the training program in the non-hospital or hospital setting, including:

a. the residents' salaries and fringe benefits;

b. the portion of the cost of teaching physicians' salaries and fringe benefits attributable to direct graduate medical education; and

c. other direct administrative costs of the program; and

2. participate in residency programs that:

a. require residents to rotate for a required experience;

b. require explicit approval by the appropriate Residency Review Committee (RRC) of the medical school with which the facility is affiliated prior to utilization of the facility; or

c. provide residency rotations of more than one sixth of the program length or more than a total of six months at the facility and are listed as part of an accredited program in the *Graduate Medical Education Directory* of the Accreditation Council for Graduate Medical Education (ACGME).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

#### §1303. Minor Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a minor teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the LCME. A minor teaching hospital shall meet the following criteria:

1. must participate significantly in at least one approved medical residency program in either medicine, surgery, obstetrics/gynecology, pediatrics, family practice, emergency medicine or psychiatry; and

2. maintain an intern and resident full time equivalency of at least six filled positions.

B. For the purposes of recognition as a minor teaching hospital, a facility is considered to "participate significantly" in a graduate medical education program if it meets the following criteria. The facility must:

1. pay for all of the costs of the training program in the non-hospital or hospital setting, including:

a. the residents' salaries and fringe benefits;

b. the portion of the cost of teaching physicians' salaries and fringe benefits attributable to direct graduate medical education; and

c. other direct administrative costs of the program; and

2. participate in residency programs that:

a. require residents to rotate for a required experience;

b. require explicit approval by the appropriate

Residency Review Committee of the medical school with which the facility is affiliated prior to utilization of the facility; or

c. provide residency rotations of more than one sixth of the program length or more than a total of six months at the facility and are listed as part of an accredited program in the *Graduate Medical Education Directory* of the Accreditation Council for Graduate Medical Education.

i. If not listed, the sponsoring institution must have notified the ACGME, in writing, that the residents rotate through the facility and spend more than 1/6th of the program length or more than a total of six months at the facility.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

### **§1305. Approved Medical Residency Program**

A. An approved medical residency program is one that meets one of the following criteria:

1. counts toward certification of the participant in a specialty or sub-specialty listed in the current edition of either *The Directory of Graduate Medical Education Programs* published by the American Medical Association, Department of Directories and Publications, or *The Annual Report and Reference Handbook* published by the American Board of Medical Specialties;

2. is approved by the ACGME as a fellowship program in geriatric medicine; or

3. is a program that would be accredited except for the accrediting agency's reliance upon an accreditation standard that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training regardless of whether the standard provides exceptions or exemptions.

B. A residency program at a non-hospital facility may be counted by a hospital if:

1. there is a written agreement with the non-hospital facility that requires the hospital facility to pay for the cost of the training program; and

2. the agreement requires that the time that residents spend in the non-hospital setting is for patient care.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

### **§1307. Graduate Medical Education**

A. The Bureau adopts criteria for the reimbursement of graduate medical education (GME) in facilities that do not qualify as major or minor teaching facilities. GME recognized by the Medical Assistance Program for reimbursement shall be limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the LCME.

B. Payment for GME costs shall be limited to the direct cost of interns and residents in addition to the teaching physician supervisory costs. Teaching physician supervisory costs shall be limited in accordance with the provisions of the Medicare Provider Reimbursement Manual. The GME component of the rate shall be based on hospital specific graduate medical education Medicaid cost for the latest year on which hospital prospective reimbursements are rebased trended forward in accordance with the prospective reimbursement methodology for hospitals.

C. Hospitals implementing GME programs approved after the latest year on which hospital prospective reimbursements have been rebased shall have a GME component based on the first full cost reporting period that the approved GME program is in existence trended forward in accordance with the prospective reimbursement methodology for hospitals.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

### **§1309. Requirements for Reimbursement**

A. Qualification for teaching hospital status or to receive reimbursement for GME costs shall be re-established at the beginning of each fiscal year.

B. To be reimbursed as a teaching hospital or to receive reimbursement for GME costs, a facility shall submit the following documentation to the Bureau of Health Services, Program Operations Section within 30 days of the beginning of each state fiscal year:

1. a copy of the executed affiliation agreement for the time period for which the teaching hospital status or GME reimbursement applies;

2. a copy of any agreements with non-hospital facilities; and

3. a signed Certification For Teaching Hospital Recognition.

C. Each hospital which is reimbursed as a teaching hospital or receives reimbursement for GME costs shall submit the following documentation to the Bureau of Health Services, Program Operations Section, within 90 days of the end of each state fiscal year:

1. a copy of the Intern and Resident Information

System report that is submitted annually to the Medicare intermediary; and

2. a copy of any notice given to the ACGME that residents rotate through a facility for more than one sixth of the program length or more than a total of six months.

D. Copies of all contracts, payroll records and time allocations related to graduate medical education must be maintained by the hospital and available for review by the state and federal agencies or their agents upon request.

E. No teaching hospital shall receive a per diem rate greater than 115 percent of its facility specific cost based on the latest rebasing year trended forward to the rate year in accordance with the prospective reimbursement methodology for hospitals.

F. The peer group maximum for minor teaching hospitals shall be the peer group maximum for minor teaching hospitals or the peer group maximum for peer group five, whichever is greater.

G. If it is subsequently discovered that a hospital has been reimbursed as a major or minor teaching hospital and did not qualify for that peer group for any reimbursement period, retroactive adjustment shall be made to reflect the correct peer group to which the facility should have been assigned. The resulting overpayment will be recovered through either immediate repayment by the hospital or recoupment from any funds due to the hospital from the department.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

#### **Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

#### **Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Inpatient Hospital Services—Major Teaching Hospitals—Qualifying Criteria**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic costs of \$1,038,889 for FY 12-13, \$1,103,836 for FY 13-14 and \$1,136,951 for FY 14-15. It is anticipated that \$902 (\$451 SGF and \$451 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed rule and the final Rule.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$2,069,248 for FY 12-13, \$2,096,616 for FY 13-14 and \$2,159,515 for FY 14-15. It is anticipated that \$451 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed rule and the final Rule.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule continues the provisions of the July 1, 2010 and November 20, 2011 Emergency Rules which amended the provisions governing the qualifying criteria for major teaching hospitals (est. 1 qualifying hospital) and repromulgated the March 20, 2000 Rule governing teaching hospitals in a codified format for inclusion in the Louisiana Administrative Code. It is anticipated that implementation of this proposed Rule will increase programmatic expenditures in the Medicaid Program by approximately \$3,107,235 for FY 12-13, \$3,200,452 for FY 13-14 and \$3,296,466 for FY 14-15.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is anticipated that the implementation of this proposed Rule will not have an effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1211#115

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Bureau of Health Services Financing**

Intermediate Care Facilities for Persons with  
Developmental Disabilities—Public Facilities  
Reimbursement Methodology  
(LAC 50:VII.32965-32969)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:VII.32965-32969 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for state-operated intermediate care facilities for persons with developmental disabilities (ICFs/DD) and established payments using a formula that established per diem rates at the Medicare upper payment limit for these services (*Louisiana Register*, Volume 29, Number 11). Upon submission of the corresponding State Plan amendment to the Centers for Medicare and Medicaid Services for review and approval, the department determined that it was also necessary to establish provisions in the Medicaid State Plan governing the reimbursement methodology for quasi-public ICFs/DD. The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for public ICFs/DD to establish a transitional Medicaid reimbursement rate for community homes that are being privatized (*Louisiana Register*, Volume 36, Number 8). This Emergency Rule also adopted all of the provisions governing reimbursements to state-owned and operated facilities and quasi-public facilities in a codified format for inclusion in the *Louisiana Administrative Code*. The department promulgated an Emergency Rule which amended the August 1, 2010 Emergency Rule to revise the provisions governing transitional rates for public facilities (*Louisiana Register*, Volume 37, Number 6). The department promulgated an Emergency Rule which amended the July 1, 2011 Emergency Rule to clarify the provisions for facilities serving a high concentration of medically fragile individuals (*Louisiana Register*, Volume 37, Number 10). The department promulgated an Emergency Rule which amended the October 20, 2011 Emergency Rule in order to revise the provisions governing transitional rates for public facilities (*Louisiana Register*, Volume 38, Number 8). This proposed Rule is being promulgated to continue the provisions of the

August 1, 2010, July 1, 2011, October 20, 2011, and the August 20, 2012 Emergency Rules.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part VII. Long Term Care**

**Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities**

**Chapter 329. Reimbursement Methodology**

**Subchapter C. Public Facilities**

**§32965. State-Owned and Operated Facilities**

A. Medicaid payments to state-owned and operated intermediate care facilities for persons with developmental disabilities are based on the Medicare formula for determining the routine service cost limits as follows:

1. calculate each state-owned and operated ICF/DD's per diem routine costs in a base year;
2. calculate 112 percent of the average per diem routine costs; and
3. inflate 112 percent of the per diem routine costs using the skilled nursing facility (SNF) market basket index of inflation.

B. Each state-owned and operated facility's capital and ancillary costs will be paid by Medicaid on a "pass-through" basis.

C. The sum of the calculations for routine service costs and the capital and ancillary costs "pass-through" shall be the per diem rate for each state-owned and operated ICF/DD. The base year cost reports to be used for the initial calculations shall be the cost reports for the fiscal year ended June 30, 2002.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

**§32967. Quasi-Public Facilities**

A. Medicaid payment to quasi-public facilities is a facility-specific prospective rate based on budgeted costs. Providers shall be required to submit a projected budget for the state fiscal year beginning July 1.

B. The payment rates for quasi-public facilities shall be determined as follows:

1. determine each ICF/DD's per diem for the base year beginning July 1;
2. calculate the inflation factor using an average CPI index applied to each facility's per diem for the base year to determine the inflated per diem;
3. calculate the median per diem for the facilities' base year;
4. calculate the facility's routine cost per diem for the SFY beginning July 1 by using the lowest of the budgeted, inflated or median per diem rates plus any additional allowances; and
5. calculate the final approved per diem rate for each facility by adding routine costs plus any "pass through" amounts for ancillary services, provider fees, and grant expenses.

C. Providers may request a final rate adjustment subject to submission of supportive documentation and approval by the department.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

**§32969. Transitional Rates for Public Facilities**

A. Effective October 1, 2012, the department shall establish a transitional Medicaid reimbursement rate of \$302.08 per day per individual for a public ICF/DD facility over 50 beds that is transitioning to a private provider, as long as the provider meets the following criteria:

1. shall have a fully executed Cooperative Endeavor Agreement (CEA) with the Office for Citizens with Developmental Disabilities (OCDD) for the private operation of the facility;
2. shall have a high concentration of medically fragile individuals being served, as determined by the department;
  - a. for purposes of these provisions, a medically fragile individual shall refer to an individual who has a medically complex condition characterized by multiple, significant medical problems that require extended care;
3. incurs or will incur higher existing costs not currently captured in the private ICF/DD rate methodology; and
4. shall agree to downsizing and implement a pre-approved OCDD plan:
  - a. any ICF/DD home that is a Cooperative Endeavor Agreement (CEA) to which individuals transition to satisfy downsizing requirements, shall not exceed 6-8 beds.

B. The transitional Medicaid reimbursement rate shall only be for the period of transition, which is defined as the term of the CEA or a period of three years, whichever is shorter.

C. The transitional Medicaid reimbursement rate is all-inclusive and incorporates the following cost components:

1. direct care staffing;
2. medical/nursing staff, up to 23 hours per day;
3. medical supplies;
4. transportation;
5. administrative; and
6. the provider fee.

D. If the community home meets the criteria in §32969.C and the individuals served require that the community home has a licensed nurse at the facility 24 hours per day, seven days per week, the community home may apply for a supplement to the transitional rate. The supplement to the rate shall not exceed \$25.33 per day per individual.

E. The total transitional Medicaid reimbursement rate, including the supplement, shall not exceed \$327.41 per day per individual.

F. The transitional rate and supplement shall not be subject to the following:

1. inflationary factors or adjustments;
2. rebasing;
3. budgetary reductions; or
4. other rate adjustments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

#### Public Comments

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

#### Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Intermediate Care Facilities for Persons with Developmental Disabilities—Public Facilities Reimbursement Methodology

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will result in estimated state general fund programmatic savings of \$17,804,689 for FY 12-13, \$22,016,617 for FY 13-14, and \$22,677,116 for FY 14-15. It is anticipated that \$574 (\$287 SGF and \$287 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed rule and the final Rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will reduce federal revenue collections by approximately \$35,471,147 for FY 12-13, \$41,818,167 for FY 13-14, and \$43,072,712 for FY 14-15. It is anticipated that \$287 will be expended in FY 12-13 for the federal administrative expenses for promulgation of this proposed Rule and the final Rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule, which continues the provisions of the August 1, 2010, July 1, 2011, October 20, 2011, and the August 20, 2012 Emergency Rules, amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with developmental disabilities (ICFs/DD) in order to establish a transitional Medicaid reimbursement rate for community homes and large public intermediate care facilities that are being privatized (6 facilities). It is anticipated that implementation of this proposed Rule will reduce program expenditures in the Medicaid Program by approximately \$53,276,410 for FY 12-13, \$63,834,784 for FY 13-14, and \$65,749,828 for FY 14-15.

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

It is anticipated that the implementation of this proposed Rule will not have an effect on competition. However, we anticipate that the implementation may have a negative effect on employment as the privatization of community homes may cause a reduction in employment opportunities.

J. Ruth Kennedy  
Medicaid Director  
1211#116

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services  
Non-Rural, Non-State Hospitals  
Children's Specialty Hospitals  
(LAC 50:V.5109)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.5109 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services to revise the reimbursement methodology for services rendered by children's specialty hospitals (*Louisiana Register*, Volume 35, Number 9). The department promulgated an Emergency Rule in August 2010 to reduce the reimbursement rates for outpatient hospital services (*Louisiana Register*, Volume 35, Number 8). The provisions of the September 1, 2009 Emergency Rule were incorporated into the August 1, 2010 rate reduction Emergency Rule (*Louisiana Register*, Volume 36, Number 11). In January 2011, the department subsequently promulgated an Emergency Rule which further reduced the reimbursement rates for outpatient hospital services (*Louisiana Register*, Volume 37, Number 1). The provisions of the September 1, 2009, August 1, 2010, November 20, 2010, and the January 1, 2011 Emergency Rules were finalized in the November 20, 2011 rate reduction Rule governing outpatient hospital services (*Louisiana Register*, Number 37, Number 11). However, the provisions in Section 5109 were inadvertently omitted from the Rule.

To ensure that the provisions governing outpatient hospital services rendered by children's specialty hospitals are promulgated in a clear and concise manner, the department promulgated an Emergency Rule which amended the Rule governing outpatient hospital services in order to incorporate the provisions which were inadvertently omitted from the November 20, 2011 final Rule (*Louisiana Register*, Volume 38, Number 11). This proposed Rule is being promulgated to continue the provisions of the November 1, 2012 Emergency Rule.

**Title 50  
PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part V. Hospitals**

**Subpart 5. Outpatient Hospitals**

**Chapter 51. General Provisions**

**§5109. Children's Specialty Hospitals**

A. In order to receive Medicaid reimbursement for outpatient services as a children's specialty hospital, the acute care hospital must meet the following criteria:

1. be recognized by Medicare as a prospective payment system (PPS) exempt children's specialty hospital;
2. does not qualify for Medicare disproportionate share hospital payments; and
3. has a Medicaid inpatient days utilization rate greater than the mean plus two standard deviations of the Medicaid utilization rates for all hospitals in the state receiving Medicaid payments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

**Public Comments**

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this proposed Rule.

**Public Hearing**

A public hearing on this proposed Rule is scheduled for Thursday, December 27, 2012 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Bruce D. Greenstein  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Outpatient Hospital Services—Non-  
Rural, Non-State Hospitals—Children's Specialty  
Hospitals**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 12-13. It is anticipated that

\$328 (\$164 SGF and \$164 FED) will be expended in FY 12-13 for the state's administrative expense for promulgation of this proposed Rule and the final Rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 12-13. It is anticipated that \$164 will be collected in FY 12-13 for the federal share of the expense for promulgation of this proposed Rule and the final Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

This Rule, which continues the provisions of the November 1, 2012 Emergency Rule, proposes to amend the provisions governing outpatient hospital services rendered by children's specialty hospitals in order to incorporate qualifying provisions which were inadvertently omitted from the November 20, 2011 final Rule governing outpatient hospital services. It is anticipated that implementation of this proposed Rule will not have economic cost or benefits to children's specialty hospitals for FY 12-13, FY 13-14, and FY 14-15.

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

This Rule has no known effect on competition and employment.

J. Ruth Kennedy  
Medicaid Director  
1211#117

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Coastal Management**

Public Hearings and Notices (LAC 43:I.723, 727 and 728)

Under the authority of R.S. 49:214.21-49:214.41 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq., the Department of Natural Resources, Office of Coastal Management, proposes to amend LAC 43:I.723 and 727 and to adopt 43:I.728 relative to public notice of coastal use permits and related matters.

This proposed Rule amendment is intended to clarify the description of public notice of coastal use permits and to provide for formal adoption of additional forms of dissemination of public notice.

**Title 43**

**NATURAL RESOURCES**

**Part I. Office of the Secretary**

**Subpart 1. General**

**Chapter 7. Coastal Management**

**Subchapter C. Coastal Use Permits and Mitigation**

**§723. Rules and Procedures for Coastal Use Permits**

A. - C.4.g. ...

**5. Public Notice and Consideration of Public  
Comment**

a. Public notice of the receipt of all apparently complete applications for coastal use permits shall be given by posting or causing to be posted notices of application on the department's internet site. The administrator shall distribute copies of the application to all affected governmental bodies.



b. Notice by Publication. A public notice as provided in §728 of all apparently complete applications for coastal use permits will be published by the administrator or by the local government with an approved local coastal management program for uses of local concern. The public notice shall be published by the administrator at least one time in the official journal of the state and, for a use of local concern in a parish with an approved local program, by the local government one or more times in the official journal of the parish in which the activity is to be conducted. Notice shall be considered given upon publication in the official journal.

c. Contents of the notice of an apparently complete application for a coastal use permit should at a minimum contain the following:

- i. the name and address of applicant;
- ii. a brief description of the activity proposed in the application;
- iii. the nature and location of the activity;
- iv. the name and address of the administrators, or local governments, if the application is filed with a local government with an approved local coastal management program, representative to whom comments shall be submitted;
- v. a statement that comments will be received for 25 days following publication; and
- vi. a statement indicating that additional information is on file and may be inspected at any time during normal working hours, with copies available upon payment of a reasonable fee to cover costs of copying, handling, and mailing.

d. Additional Forms of Notice. The administrator, in his discretion, may require the applicant to undertake the following additional forms of public notice:

- i. by posting or causing to be posted a copy of the application at the location of the proposed use; and
- ii. by publishing notice of the application in media newspaper of general circulation in the parish or parishes in which the use would be located.

e. ...

f. The administrator shall maintain a current list of permits issued or denied during the previous month. This list will be posted on the department's internet site in the same manner as notices of apparently complete applications for coastal use permits.

g. Notice by Mail. A copy of the public notice of all apparently complete applications for coastal use permits and the current list of permits issued or denied since the last mailing but no less than monthly will be mailed to each person on the public notice mailing list, pursuant to §728.

h. Notice by Electronic Transmission. A copy of the public notice of all apparently complete applications for coastal use permits and the monthly list of permits issued or denied will be sent to subscribers of the electronic public notice list, pursuant to §728.

i. The department shall maintain the public content of its current permit application files in the SONRIS system, so that those records are available for public inspection.

j. A copy of any public record, including the application, will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing, except that information of a

confidential or proprietary nature shall be withheld. In the event that attachments to the application are not readily reproducible, they shall be available for inspection at the permitting office.

C.6. - H.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.21-49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980), amended LR 8:519 (October 1982), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 16:625 (July 1990), amended by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended by the Department of Natural Resources, Office of the Secretary, LR 35:2184 (October 2009), LR 35:2188 (October 2009), amended by the Department of Natural Resources, Office of Coastal Management, LR 39:

#### **Subchapter E. Hearings and Public Notice**

##### **§727. Public Hearings and Public Notice**

A. Scope. This regulation is applicable to all public hearings and public notices pursuant to the SLCRMA. All such public hearings that are determined to be necessary shall be nonadjudicatory public proceedings conducted for the purpose of acquiring information or evidence which will be considered in evaluating a proposed action, and will afford the public an opportunity to present their views and opinions on such action. Public notices shall provide the public with information regarding activities that require such notice.

##### **B. Public Notice of Hearings**

1. Public notice as provided in §728 shall be given at least 30 days in advance of any public hearings. Notice shall be sent to all persons requesting notices of public hearings and shall be posted in all governmental bodies having an interest in the subject matter of the hearing. Such notice may be limited in area consistent with the nature of the hearing.

##### **B.2. - G. ...**

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.30.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980), amended by the Department of Natural Resources, Office of Coastal Management, LR 39:

##### **§728. Public Notice**

A. Electronic Public Notice List. The Office of Coastal Management shall maintain the electronic public notice list, which shall contain the name and electronic address provided by all persons who request to receive public notice from the Office of Coastal Management via electronic transmission. Subscribers to the electronic public notice list will receive electronic notification by email or other widely available electronic means of dissemination used for distributing information electronically if the subscriber requests such other means be utilized and if such technology is being used by the Office of Coastal Management. The content of these transmissions will include: public notice of applications, notice of public hearings, notice of other agency actions, and items of general interest related to the programs of the Office of Coastal Management.

1. Procedure for Subscribing to the Electronic Public Notice List

a. Any interested person may request orally or in writing to be added or removed as a subscriber to the electronic public notice list.

b. Once the Office of Coastal Management receives the request, the interested party will be added to the electronic public notice list.

2. Maintenance of the Electronic Public Notice List

a. Periodically, but not more than twice per year, the Office of Coastal Management may send a request to subscribers of the electronic public notice list to verify their intention to remain a subscriber. The request may contain an "opt out" feature that allows the subscriber to request to be removed from the electronic public notice list.

b. Subscribers may be removed from the electronic public notice list anytime after one year after receipt of their latest request to be placed on the list, or upon a request from the subscriber to be removed from the list, whichever occurs first. Subscribers will be informed that they may be removed from the electronic public notice list anytime after one year after receipt of their latest request to be placed on the list at the time they request to be included on such list.

3. Automatic Removal from Public Notice Mailing List

a. A request to be added as a subscriber to the electronic public notice list will serve as a request for removal from the public notice mailing list, as described below.

B. Public Notice Mailing List. The Office of Coastal Management shall maintain a public notice mailing list of all interested persons who request to be subscribers to the public notice mailing list in order to receive notice of applications, public hearings, other agency action, and items of general interest related to the programs of the Office of Coastal Management via the United States Postal Service.

1. Procedure for Subscribing to the Public Notice Mailing List

a. Any person seeking to be added to the public notice mailing list shall submit a request orally or in writing.

b. Once the Office of Coastal Management receives the request, the interested party will be added to the public notice mailing list.

2. Maintenance of the Public Notice Mailing List

a. The fact that any correspondence or dispatch sent to any subscriber on the public notice mailing list, properly addressed with postage prepaid, is returned as unclaimed or undeliverable, may be regarded as evidence of the subscriber's intent to be removed from the public notice mailing list, and the subscriber may be removed from the public notice mailing list without further formality.

b. Subscribers may also be removed from the public notice mailing list anytime after one year after receipt of their latest request to be placed on the public notice mailing list or upon a request by the subscriber to be removed from such list, whichever occurs first. Subscribers will be informed that they may be removed from the public notice mailing list anytime after one year after receipt of their latest request to be placed on the list at the time they request to be included on such list.

c. Any subscriber found on the electronic public notice list shall be removed without further formality from the public notice mailing list.

C. Prior Mailing Lists

1. All mailing lists authorized under regulations in effect prior to the effective date of this regulation are terminated, and all subscriptions on those lists are converted to subscriptions to the public notice mailing list with a start date concurrent with the effective date of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.21-49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:493 (August 1980), amended LR 8:519 (October 1982), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 16:625 (July 1990), amended by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended by the Department of Natural Resources, Office of the Secretary, LR 35:2184 (October 2009), LR 35:2188 (October 2009), amended by the Department of Natural Resources, Office of Coastal Management, LR 39:

**Family Impact Statement**

The proposed amendment of LAC 43:I.723 and 727 and the proposed adoption of LAC 43:I.728 regarding the establishment of the Department of Natural Resources, Office of Coastal Management's electronic public notice list and providing certain changes to the public notice regulations of the Department of Natural Resources, Office of Coastal Management should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed amendment and proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
  2. the authority and rights of parents regarding the education and supervision of their children;
  3. the functioning of the family;
  4. family earnings and family budget;
  5. the behavior and personal responsibility of children;
- or
6. the ability of the family or a local government to perform the function as contained in the proposed amendment and proposed Rule.

**Public Comments**

Interested persons may submit written data, views, arguments or comments regarding this proposed Rule to O.C. Smith, Attorney, Office of Coastal Management, by mail to P.O. Box 44487, Baton Rouge, LA 70804-4487. All comments must be received no later than 5 p.m., December 20, 2012.

**Public Hearing**

A public hearing, if requested, will be held on December 26, 2012 at 9:30 a.m. in the LaSalle Building, First Floor, Griffon Room, 617 North Third Street, Baton Rouge, LA 70802.

Stephen Chustz,  
Interim Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Public Hearings and Notices**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to the state or local governmental units as a result of the proposed rule changes. The proposed changes codify the agency's existing practices regarding public notices and consideration of public comment for coastal use permits. The changes are regarding public notices and consideration of public comment for coastal use permits. The changes specifically provide for updating LAC 43:1.723 (Rules and Procedures for Coastal Use Permits), LAC 43:1.727 (Public Hearings and Public Notice), and LAC 34:1.728 (Public Notices). Codification includes the initial publication of rules and procedures for electronic notices as well as the updating of existing rules and procedures for notices that are mailed or published.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local government units as a result of this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this rule change.

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

There is no estimated effect on competition and employment as a result of this rule change.

Keith Lovell  
Administrator  
1211#052

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation**

**Application Requirements to Drill (LAC 43:XIX.103)**

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX.103 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed action will adopt Statewide Order No. 29-B (LAC 43:XIX.103) Application to Drill, which requires applicants to furnish a pre-entry notice to a surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location, and will amend existing Statewide Order No. 29-B, as enacted by Act 795 of the 2012 Legislative Session.

**Title 43**

**NATURAL RESOURCES**

**Part XIX. Office of Conservation—General Operations**

**Subpart 1. Statewide Order No. 29-B**

**Chapter 1. General Provisions**

**§103. Application to Drill**

A. ...

1. Applicants shall furnish a pre-entry notice to the surface owner no less than 30 days prior to commencing

construction operations on the drilling location and shall certify that this requirement has been or will be satisfied on the application to drill.

a. The pre-entry notice shall include the following information:

i. the contact name, email address and phone number of the applicant;

ii. the proposed well name and pad location including section, township, range and plat of the pad location, if available;

iii. a statement that construction operations will commence no less than thirty (30) days from the date of the pre-entry notice.

b. No pre-entry notice shall be required if the applicant has a contractual relationship with the surface owner.

c. No pre-entry notice shall be required for preparatory activities such as inspection, surveying, or staking.

d. No pre-entry notice shall be required to drill additional wells on an existing drilling pad provided that applicant does not expand the existing pad or access road.

e. Applicants must include an affidavit on Form AFLN-1, as amended from time to time by the Office of Conservation, with their application certifying compliance with §103.A.1.

2. Applicants that receive a drilling permit for a well located within 1,000 feet of an Interstate highway shall furnish a copy of the approved drilling permit and the certified location plat to the appropriate state and local authorities, including all emergency responders.

B. - E.4. ...

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq. and R.S. 30:28(I)

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (August 1958), (August 1961), (May 1973), amended by the Department of Natural Resources, Office of Conservation, LR 34:2639 (December 2008), LR 39:

**Family Impact Statement**

In accordance with RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule amendments at LAC 43:XIX.103 on family as defined therein.

1. The proposed Rule amendment will have no effect on the stability of the family.

2. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The proposed Rule amendment will have no effect on the functioning of the family.

4. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. Family or local government is not required to perform any function contained in the proposed Rule amendment.

**Small Business Statement**

In accordance with R.S. 49:965.6, the Department of Natural Resources, Office of Conservation has determined

that these amendments will have no estimated effect on small businesses.

**Public Comments**

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at the public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., January 3, 2013, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA, 70804-9275; or Office of Conservation, Environmental Division, 617 North Third St., Room 817, Baton Rouge, LA 70802. All inquiries should be directed to Tyler P. Gray at the above addresses or by phone to (225) 342-5570. No preamble was prepared.

**Public Hearing**

The commissioner of conservation will conduct a public hearing at 10 a.m., December 27, 2012, in the LaBelle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

James H. Welsh  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Application Requirements to Drill**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local government units as a result of the proposed rule changes. The proposed amendment, which provides for implementation of Act 795 of the 2012 regular legislative session, requires that operators furnish a pre-entry notice to the surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location and certify that this requirement has been or will be satisfied on the drilling application submitted to the Department of Natural Resources Office of Conservation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local government units as a result of this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendment, which provides for implementation of Act 795 of the 2012 regular legislative session, requires that operators furnish a pre-entry notice to the surface owner no less than thirty (30) days prior to commencing construction operations on the drilling location and certify that this requirement has been or will be satisfied on the drilling application submitted to the Department of Natural Resources Office of Conservation.

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

There is no estimate effect on competition and employment as a result of this rule change.

James H. Welsh  
Commissioner  
1211#118

John D. Carpenter  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Gaming Control Board**

Truck Stop Travel Lanes (LAC 42:XI.2415)

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 it intends to amend LAC 42:XI.2415.

**Title 42  
LOUISIANA GAMING  
Part XI. Video Poker**

**Chapter 24. Video Draw Poker**

**§2415. Gaming Establishments**

A. - D.4. ...

a. Each new application shall contain a scale drawing of the qualified truck stop facility prepared by a registered civil engineer which indicates the overall dimension of the facility and parking area and upon which is superimposed the required areas and dimensions for 50 parking stalls measuring 12 feet wide and 65 feet long and for travel lanes located at or adjacent to the parking stalls measuring 50 feet wide at those facilities with two-way truck travel. At those facilities having one-way truck travel, the travel lane located at or adjacent to the parking stalls shall be 30 feet wide.

D.4.b. - 5.b. ...

c. All two-way truck travel lanes, shall be paved with concrete or asphalt, and be striped or marked so as to indicate lane division.

d. Traffic and inter-facility access connections shall be paved, marked and at least 25 feet wide for two-way truck traffic and at least 12 feet wide for one-way truck traffic. Construction shall be to industry standards and shall be designed to allow for safe maneuvering of tractor trailer vehicles.

6. The licensee has a continuing responsibility to maintain the dimensions of the parking area, minimum number of required parking spaces, access to all parking spaces, traffic and inter-facility access connections, and travel lanes in accordance with the Act and these rules. The licensee shall upon request provide to the division applicable documentation supporting the design and construction of the parking area in accordance with the Act and these rules.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with L.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:197 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:1504 (August 1998), LR 26:1321 (June 2000), LR 36:2047 (September 2010), LR 39:

**Family Impact Statement**

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending LAC 42:XI.2415.

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police**

**Towing, Recovery and Storage (LAC 55:I.Chapter 19)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1711 et seq., gives notice of its intent to promulgate multiple and varied amendments to the regulatory requirements regarding the towing and storage industry, some of which were necessitated by Act 806 of the 2012 Regular Legislative Session.

**Title 55**

**PUBLIC SAFETY**

**Part I. State Police**

**Chapter 19. Towing, Recovery, and Storage**

**Subchapter A. Authority, Exemptions, Definitions, Scope**

**§1905. Definitions**

A. ...

\* \* \*

*Non-Consensual Storage*—the storage or possession of a vehicle by an individual or storage facility operator without prior consent or authorization of the vehicle’s owner or operator for the purpose of charging fees or obtaining ownership. Prior consent or authorization shall be documented by the storage facility by providing a written storage contract as outlined in R.S. 32:1722(C).

*Non-Consensual Towing*—the movement or transportation of a vehicle by a tow truck without the prior consent or authorization of the owner or operator of the vehicle. This includes private property tows conducted in accordance with the provisions of R.S. 32:1736 and tows by law enforcement or other public agencies. Whenever an owner or operator of a vehicle requests a law enforcement officer or other public agency to initiate a tow, such tow shall be considered non-consensual and subject to the Louisiana Public Service Commission tow rates.

\* \* \*

*Owner*—the last registered owner of a vehicle as shown on the records of the Office of Motor Vehicles and/or the holder of any lien on a vehicle as shown on the records of the Office of Motor Vehicles and/or any other person who has a documented ownership interest in a vehicle. Documented proof of ownership shall include a title, current registration, or a notarized bill of sale.

*Place of Business*—a permanent structure located within Louisiana used for business, staffed during regular business hours, equipped with phone and utility services including water, sewer, and electric, and houses records and other appropriate or required documents.

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1714.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 36:2575 (November 2010), LR 39:

It is accordingly concluded that amending LAC 42:XI.2415 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Small Business Impact Statement**

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that there will be no adverse impact on small business if LAC 42:XI.2415 is amended as the change will not apply to small businesses.

**Public Comments**

All interested persons may contact Earl Pitre, Jr., Attorney General’s Gaming Division, telephone (225) 326-6500, and may submit comments relative to this proposed Rule, through December 10, 2012, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

Dale A. Hall  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Truck Stop Travel Lanes**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule changes. This rule change clarifies practices already required to take place in industry with regard to access connections and travel lanes at gaming establishments, corrects previous promulgation errors, and creates uniformity between existing rules.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not impact revenue collections for state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes have the potential of reducing the maintenance cost of operating a licensed truck stop facility. The proposed rule would reduce the width requirements for traffic and inter-facility access connections, potentially reducing future construction and maintenance costs for gaming facilities.

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

The proposed administrative rule changes will have no effect on competition and employment.

Dale A. Hall  
Chairman  
1211#066

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**§1907. Administrative Penalty Assessment; Arbitration; Recovery of Penalties**

A. - A.3. ...

4. Schedule of Fines

<b>Schedule of Fines</b>	
<b>The following range of fines will be set for violations cited under the corresponding sections. When citing specific violations, the department shall set the fine at the minimum amount within the corresponding range or issue warnings on first violations. Fines may increase with each future offense of the same violation.</b>	
Exemptions And Other Laws (§1903, 1905, & §1909)	\$50-\$500
Code Of Conduct (§1911)	\$100-\$500
Tow Truck License Plate (§1913)	\$50-\$500
Insurance Requirements (§1915)	\$50-\$500
Driver's License Required Skills (§1917)	\$50-\$500
Tow Truck Lighting; Equipment (§1919)	\$25-\$100
Required Equipment (§1921)	\$25-\$100
Capacities Of Tow Equipment (§1923)	\$100-\$500
Tow Truck Load Limitations (§1925)	\$100-\$500
Inspections By The Department (§1927)	\$100-\$500
Towing Service To Use Due Care (§1929)	\$100-\$500
Vehicles Towed From Private Prop. (§1930)	\$200-\$500
Storage Facility; Licensing, Requirements (§1931)	\$100-\$500
Requirements For ORSV (§1933)	\$100-\$500
Owner Notification Of Stored Vehicle (§1935)	\$100-\$500
Administrative Fees (§1937)	\$100-\$500
Permits To Sell And Dismantle (§1939)	\$100-\$500
Towing/Storage Facilities Requirement (§1941)	\$50-\$500
Storage Rates (§1943)	\$100-\$500
Gate Fees (§1945)	\$100-\$500
Law Enforcement Rotation Lists (§1947)	\$50-\$500

B. - B.4. ...

5. For the purpose of this Part, removal from the Louisiana State Police tow truck rotation list shall not constitute a department action subject to review under Subsection B of this Section. Placement on the Louisiana State Police rotation list is a privilege, not a right. Any tow truck owner may submit a written appeal to the Region Major requesting a review of an investigation and/or suspension. Review hearings will be held within 10 business days, after a request is made.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 35:2201 (October 2009), LR 36:2576 (November 2010), LR 39:

**Subchapter B. Tow Truck License Plate; Required Insurance**

**§1913. Tow Truck License Plate**

A. - A.1. ...

a. Car carrier companies which transport less than five motor vehicles and do not store or hold motor vehicles shall be licensed as tow trucks upon application and submission of an affidavit to the Department of Public Safety and Corrections stating that the company does not store or hold motor vehicles and does not carry garage keeper's legal liability or garage liability insurance. These companies shall receive a "car carrier" endorsement on their required motor vehicle registration. This does not exclude the car carrier company from any other regulations as set by the Louisiana Towing and Storage Act.

2. - 2.b. ...

c. legal business entities such as corporations, limited liability companies, partnerships, limited liability partnerships or other such legally recognized entities, whether registered with the office of the secretary of state or not, should use their legally registered trade name as their business name. Such legally acknowledged entities shall include in the application:

2.c.i. - 3.b. ...

c. Tow truck operators or owners shall permanently affix and prominently display on both sides of tow trucks the legal trade name of their business, telephone number and city of the vehicle's domicile in lettering at least 2 1/2 inches in height and not less than 1/4 inch in width. Truck and trailer combinations used to transport vehicles may choose to mark either the truck or trailer.

A.3.d. - B.3.a.i. ...

ii. a tow truck has a GVWR or GCWR of 10,000 pounds or less and it shall not be used for towing vehicles for compensation; unless the year of manufacture is prior to 2007, in which case, a GVWR of 10,000 pounds shall not be cause for denial, or

B.3.a.ii. - C.1.c. ...

d. the applicant or employee that operates a tow truck is found to have been convicted of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle and/or possession a stolen vehicle(s) or stolen vehicle parts or employs someone convicted of one of the above stated offenses.

D. - D.1.c. ...

d. obtaining a tow truck license plate under false pretenses; or the applicant or employee that operates a tow truck is found to have been convicted of felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle and/or possession of vehicle(s) or stolen vehicle parts or employees someone convicted of one of the above stated offenses.

e. - h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:856 (May 2006), amended LR 36:1270 (June 2010), LR 36:2579 (November 2010), LR 39:

**Subchapter C. Safety**

**§1917. Driver's License; Required Skills and Knowledge**

A. - A.5. ...

6. the operator of a tow truck has not been convicted of a felony relating to vehicle thefts and is not registered or required to be registered as a sex offender or child predator as required in R.S. 15:542.

7. the operator of a tow truck shall have a safety belt properly fastened about his or her body at all times when the tow truck is in forward motion. This shall not apply when the operator of a tow truck in the process of maneuvering the tow truck while recovering or loading a vehicle.

8. the operator of a tow truck shall wear reflective uniform or clothing equivalent to the ANSI Class II or III standard as Federally required when working on or near the roadway during a vehicle recovery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 39:

### **§1919. Tow Truck Lighting; Equipment**

A. Tow truck operators and towing services shall ensure tow trucks are equipped with, and use, required lighting, pursuant to state law and CFR Title 49. Auxiliary tow lighting shall be required and used if the rear tail lamps, stop lamps or turn signals on a combination of vehicles are obscured, inoperative, or not visible to the rear by approaching traffic. When auxiliary tow lights are required, they shall include a minimum of two properly functioning tail lamps, stop lamps and turn signals, which may be combined and shall be attached as far apart as practical on the rearmost portion of the towed vehicle and visible to the rear by approaching traffic.

B. Tow trucks shall comply with all equipment requirements found in, or adopted pursuant to Louisiana Revised Statutes Title 32, Chapter 1, Part V (Equipment of Vehicles), 32:1711 et seq. and, if applicable, CFR Title 49.

C. Tow truck shall be equipped with only amber colored flashing warning lights, strobes, light bars or beacons with sufficient strength and mounted in a location to be visible at 360 degrees at a distance of no less than 1,000 feet under normal atmospheric conditions. Each tow truck shall be equipped with at least one amber colored light bar or beacon mounted to the roof or a higher location on a tow truck. Tow trucks used solely to transport vehicles on an attached trailer are exempt from this requirement provided they do not conduct roadside recovery operations or participate on any law enforcement rotation list.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 39:

### **§1921. Required Equipment**

A. - A. ...

9. Tow truck components including, but not limited to, winches, booms, cables, synthetic rope, cable clamps, thimbles, sheaves, guides, controls, blocks, slings, chains, hooks, bed locks, hydraulic components, etc., shall be in good working order and maintained to manufacturer/factory specifications.

B. - B.1.b. ...

c. Acceptable securement devices are chains, cables or synthetic webbing with a combined working load limit equal to or greater than one-half the gross weight of the transported vehicle and customarily used for securing a vehicle or load. Acceptable securement devices shall meet all requirements in 49 CFR.

2. - 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 39:

### **§1927. Inspections by the Department**

A. - B.1.c. ...

d. Tow trucks may be stopped and inspected at anytime while being operated on a public roadway to promote compliance with the provisions of this Chapter.

2. - 6.b. ...

c. Penalty

i. Any tow truck owner or tow truck operator violating the provisions of Subparagraph B.6.a (Drivers) of this Section shall be fined no less than \$250 and no more than \$500.

ii. Any tow truck owner violating the provisions of Subparagraph B.6.b (Tow Trucks) of this Section shall be fined \$500.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:859 (May 2006), LR 39:

### **§1929. Towing Services to Use Due Care**

A. ...

B. Tow truck and/or storage facility owners and operators shall adhere to any lawful orders or direction of a department law enforcement officer. No tow truck owner, operator, or employee shall be required to follow a directive or order that is unsafe or beyond the operational standard or capacity of any equipment being used in cleanup or in the removing the roadway hazard. If a tow truck owner or operator refuses to follow a directive or order because of an unsafe condition, no adverse action by a law enforcement agency shall be taken against such owner or operator including removal from any rotation list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:860 (May 2006), amended LR 39:

### **§1930. Vehicles Towed from Private Property**

A. Tow truck company owners, operators, and employees shall comply with the provisions of R.S. 32:1736 when towing vehicles from private property.

B. Towing and storage companies that conduct nonconsensual tows shall possess authority through the Louisiana Public Service Commission and a valid storage inspection license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 39:

### **Subchapter D. Vehicle Storage**

#### **§1931. Storage Facility; Licensing, Fees, Inspection, Requirements**

A. - B.8. ...

9. The place of business shall meet all requirements as defined in §1905 of this Chapter. This provision shall only apply to new storage facility applicants effective November 1, 2013 and will not affect licensed facilities seeking a renewal.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), LR 39:

#### **§1939. Permits to Sell and Permits to Dismantle**

A. - D. ...

E. Storage facilities shall maintain copies of the permits to sell, permits to dismantle, and bills of sale with buyer's name as may be applicable for each vehicle stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), amended LR 36:2579 (November 2010), LR 39:

**§1941. Storage and Towing Facilities; General Requirements; Procedures**

A. - B. ...

1. Authorized agent shall mean anyone who has obtained written authorization from the vehicle owner or lien holder. Written authorization shall contain the name of the authorized agent, the name and signature of the vehicle owner or lien holder, a phone number for the vehicle owner or lien holder, and a description of the vehicle including the year, make, model, and color. Written authorization does not need to be notarized if signature of the owner or lien holder is witnessed and contains a photocopy of the owner's government issued photo identification. Written authorizations shall be maintained with the vehicle file at the towing and/or storage facility's place of business.

2. Payment required for the release of a vehicle shall be specific as to the services required to tow and/or recover and store that vehicle.

a. Towing and recovery fees on a combination vehicle, such as a truck pulling a trailer, shall be charged to the pulling unit when the truck and trailer is towed and/or recovered as a single unit. Only storage and applicable administrative fees shall apply to the trailer in this case.

b. Towing and recovery fees on a combination vehicle that is towed and/or recovered separately, because there was a separation during a crash or it had to be separated to perform the recovery, shall be divided between the truck and trailer according the resources used to recover each vehicle.

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

e. a copy of a towing and storage report issued by a law enforcement or other public agency shall exempt the towing company from the invoice requirements for the initial tow. The towing invoice shall be completed once the vehicle arrives at the storage facility or other destination as directed by the law enforcement agency or the owner or operator of the vehicle.

Q. - Q.9. ...

10. records from the sale of a vehicle including the bill of sale with sale price, copies of the permit to sell, name of the buyer;

11. proof of law enforcement notification as required in R.S. 32:1718.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:862 (May 2006), amended LR 36:2580 (November 2010), LR 39:

**§1943. Storage Rates**

A. ...

B. Towing and/or storage facilities shall be staffed and open for business Monday thru Friday, 8 a.m. to 5 p.m., excluding state holidays. Employees staffing the facility must have access to vehicle storage records to assist in administrative inspections by the department and be able to release vehicles and/or belongings. All storage records since

the date of the last annual storage inspection must be readily accessible and available. Storage records prior to the last annual inspection, if not readily available, shall be made available by the end of the next business day.

1. Licensed storage facilities that operate as a mechanic or repair shop and do not conduct non-consensual tows may set their own business hours provided they do not charge gate fees and give notice to the department by noting their days and hours of operation on their storage license application or renewal form. The storage facility must be open for business at least five days a week. These hours must be clearly posted along with other required information in accordance with §1941.D of this Chapter. Storage Facilities that do not adhere to the hours of operation listed on their storage license application or renewal form shall be in violation of failing to staff their facility.

C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006), LR 39:

**Subchapter E. Rotation List**

**§1947. Law Enforcement Tow Truck Rotation List**

A. - A.5.d ...

6. No law enforcement officer shall recommend to the vehicle owner or operator a specific tow company to conduct a tow. All tows shall be referred to the law enforcement rotation list or the authorized contractor for the law enforcement agency. When the owner or operator exercises their option to select the tow company, such selection shall be duly noted on the tow invoice or the law enforcement record of the incident.

B. ...

1. Every person, firm, corporation or other entity who participates in a law enforcement Tow Rotation Program, and is engaged in, or associated with the towing, removal or storage of any wrecked, abandoned, disabled or other designated vehicle, shall comply with the department's procedural order's and all applicable state laws, and administrative regulations governing the towing and storage of vehicles including, but not limited to, R.S. 32:1711 et seq., and LAC 55:I.1901 et seq.

C. - C.4. ...

5. not be owned, operated by, or knowingly employ any person that operates tow trucks who has been convicted of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle, possession of stolen vehicles or vehicle parts;

6. not contract for towing or storage services with any party not in compliance with this Part.

D. - E.3.a. ...

F. Tow Trucks, Operators, Business Facility, and Storage Requirements

1. Each tow truck and operator shall meet all operational requirements mandated for tow trucks in R.S. 23, 32, and 47 as well as LAC 55. All tow trucks in a business's fleet shall also be equipped with the following:

1.a. - 2.f. ...

g. wear an approved ANSI Class II or III reflective vest that is in good condition and fits the operator when



working on or near the roadway during crash or vehicle recovery.

G. - G.5.a. ...

6. Interference with commissioned officers at the scene or failure to comply with the officer's instructions is prohibited. No tow truck owner, operator, or employee shall be required to follow a directive or order that is unsafe or beyond the operational standard or capacity of any equipment being used in cleanup or in the removing the roadway hazard. If a tow truck owner or operator refuses to follow a directive or order because of an unsafe condition, no adverse action by a law enforcement agency shall be taken against such owner or operator including removal from any rotation list.

7. - 13. ...

H. Classification of Tow Trucks

1. Operational capacities of each tow truck must have a manufacturer's rating. The minimum standards of each tow truck shall be determined by the manufacturer's specifications for the capabilities and capacities of the tow truck and all towing equipment. Tow trucks shall not be permitted to haul any vehicle/cargo combination in excess of its rated gross vehicle weight (GVW) or class.

2. The following classifications are taken from the TRAA Vehicle Identification Guide: (The TRAA Vehicle Identification Guide refers to the slide back and tilt bed car carriers, as car carriers in the light and medium duty tow truck classes.)

a. - a.iii.(e). ...

iv. Boom and winch minimum specifications (bare drum):

- (a). boom rating not less than 8,000 pounds;
- (b). power winch rated for not less than 8,000 pounds, single line;
- (c). at least 100 feet of wire or synthetic rope, except that a slide back and tilt bed carrier may have only 50 feet of wire or synthetic rope, with a minimum diameter of 3/8 inch, rated at a minimum of 12,000 pounds breaking strength.

v. - vi.(e). ...

b. Medium Duty Tow Trucks (10,001–26,000 lbs. GVW—6 tires or more)

Class 3 vehicle	(10,001–14,000 lbs. GVW—6 tires or more)
Class 4 vehicle	(14,001–16,000 lbs. GVW—6 tires or more)
Class 5 vehicle	(16,001–19,500 lbs. GVW—6 tires or more)
Class 6 vehicle	(19,501–26,000 lbs. GVW—6 tires or more)

i.-iii.(e). ...

iv. Boom and winch minimum specifications (bare drum):

- (a). boom rating not less than 20,000 pounds;
- (b). power winch rated not less than 20,000 pounds, dual winches must have a minimum of 150 feet wire or synthetic rope per winch with a breaking strength of 21,000 pounds and 1/2 inch in diameter.

v. Required accessories:

(a). - (d). ...

vi. Car carrier qualifications:

(a). rated capacity of not less than 15,000 pounds with 102 inches minimum from rear of cab to rear axle;

(b). one power winch rated for at least 8,000 pounds;

(c). at least 50 feet of 3/8 inch cable or synthetic rope;

(d). an 18 foot or longer hydraulically-operated slide back and tilt bed;

(e). one snatch block, 8,000 pounds capacity.

c. Heavy Duty Tow Trucks (26,001 lbs. and over GVW—6 tires or more)

Class 7 vehicle	(26,001–33,000 lbs. GVW—6 tires or more)
Class 8 vehicle	(33,001 and over GVW—10 tires or more)

i.-iii.(d). ...

iv. Boom and winch minimum specifications (bare drum):

(a). minimum boom rating of 50,000 pounds;

(b). power winch system with total, symmetrical capacity of 50,000 pounds;

(c). minimum of 200 feet of wire or synthetic rope per winch of at least 9/16 inch diameter and rated at breaking strength of 27,000 pounds.

H.2.v. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006), amended LR 36:546 (March 2010), LR 36:2580 (November 2010), LR 39:

**Family Impact Statement**

1. The Effect of This Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of This Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

**Public Comments**

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through August 15, 2012.

Jill P. Boudreaux  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Towing, Recovery and Storage**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will have no impact on state or local government expenditures. The proposed rule provides clarification with regard to the non-consensual towing and storage of vehicles, consolidates and streamlines the schedule of fines for administrative penalties, makes minor changes in spelling and grammar, codifies certain current administrative practices with regard to suspensions and revocations, and provides for the licensure of certain car carriers as tow trucks as per Act 828 of the 2012 Regular Session of the Louisiana Legislature.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no impact on state or local governmental revenues as a result of these proposed rule changes.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendments to these administrative rules will not create any costs or benefits to directly affected persons or non-governmental groups.

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

The proposed rule change will have no effect on competition and employment.

Jill P. Boudreaux  
Secretary  
1211#065

Evan Brasseaux  
Staff Director  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Management and Finance**

Geospatial Database (LAC 70:XXVII.Chapter 3)

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development, Office of Management and Finance intends to promulgate a Rule entitled "Geospatial Database Rules and Standards" in accordance with R.S. 48:36.

**Title 70**

**TRANSPORTATION**

**Part XXVII. Louisiana Transportation Research Center  
(LTRC)**

**Chapter 1. Geospatial Database**

**§301. Purpose**

A. The purpose of the Geospatial Database is to provide standards to facilitate and integrate the collection of geospatial data by state, local, and federal agencies, to be maintained by the department in the statewide geospatial database of Louisiana. To establish the geographic features that create a common base map for geospatial data analysis that support official state business and to be used by state government when representing or analyzing its business data using geographic information systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**§303. Definitions**

*Base Map*—a collection of one or more geospatial data layers that form the background of a cartographic presentation or form the basis for a geospatial data analysis.

*Business Data*—data (geospatial or otherwise) collected, purchased, developed, or maintained by an organization for the purposes of performing its work or accomplishing its mission(s).

*Cartographic Presentation*—the process of depicting or rendering geospatial data. This may include the production of paper maps, digital maps, websites, or other means of visualizing geospatial data.

*Data Layer*—a spatially integrated, areally distributed set of spatial data, usually representing one theme (water, transportation, etc.) or having a common set of attributes among spatial objects.

*Department*—the Louisiana Department of Transportation and Development.

*Geographic Information System (GIS)*—an integrated collection of computer software and data used to view and manage information about geographic places, analyze spatial relationships, and model spatial processes. A GIS provides a framework for collecting and organizing spatial data and related information so that it can be analyzed and displayed.

*Geospatial*—refers to the identification of the geographic location and characteristics of a feature on the earth. This information may be derived from, among other things, remote sensing, mapping, and surveying technologies. This also refers to approaches such as GIS for manipulating geographic data.

*Geospatial Database*—digital database containing information that identifies and incorporates the geographic location and characteristics of features on the earth and the metadata that describes them. This information may be derived from various sources, including GIS, GPS, remote sensing, mapping, and surveying technologies.

*Mapping*—the process, methods, and techniques of creating digital geospatial data from source material. The source may be derived from surveying, aerial photography, remote sensing data, or global positioning systems (GPS).

*Metadata*—data describing the content, quality, condition, and other characteristics of a dataset. Various metadata standards exist for different types of data. The geospatial metadata standard shall be as specified by the Federal Geographic Data Committee (FGDC) and posted on their website (<http://www.fgdc.gov/metadata>).

*Raster Data*—the representation of geospatial objects as collections of elements represented as rows and columns of data spaced apart from each other, usually on an equal linear interval in the x and y directions. Raster data can only represent data as accurately as the x and y dimensions of each cell will support.

*Statewide Geodatabase of Louisiana*—a digital database that contains the official geospatial data of Louisiana. These data represent statewide coverage of the topographic map features of Louisiana and are intended to provide consistent geographic data for use in geospatial analysis, cartographic presentation, and mapping for the state.

*Vector Data*—the representation of geospatial objects as sets of points, lines, or polygons. Lines can accurately represent linear features or edges of polygon features to the level of accuracy that is supported by the scale of the source data and the data collection technology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

### §305. Department Responsibilities

A. The department shall create, maintain, and manage a geospatial database which will include data layers consisting of, but not limited to:

1. elevation and bathymetry;
2. transportation;
3. hydrography (water features);
4. boundaries;
5. land cover (vegetation);
6. land use;
7. structures (buildings and other infrastructure);
8. public land survey system (PLSS); and
9. geographic names.

B. The department shall manage the Geospatial Database of Louisiana.

C. The department shall establish standard formats, metadata, and other requirements for the database.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

### §307. Data Layer Descriptions and Features

A. Elevation and Bathymetry

1. General Description

a. Elevation is the altitude, with reference to mean sea level (MSL) of the land surface. Bathymetry is the depth to bottom of a waterbody, with respect to MSL.

2. Feature Standards

a. The North American Vertical Datum of 1988 (NAVD1988), shall be the official datum for representing elevation and bathymetry. This will remain the standard until replaced by the by the National Oceanic and Atmospheric Administration-National Geodetic Survey (NOAA-NGS).

b. Standards for elevation data will be as specified by The National Map National Elevation Dataset Program of the US Geological Survey, as published on their website (<http://ned.usgs.gov>).

c. Digital elevation models (DEM) represent elevation as a raster (rows and columns) of elevations at a specified interval. The standards for creating these raster datasets are published by the USGS National Elevation Program (<http://nationalmap.gov/standards/demstds.html>).

d. Hypsography (elevation represented as contours) shall be derived from elevation data meeting the standards specified above and produced using the standards for topographic mapping established by the US Geological Survey (<http://nationalmap.gov/standards/qmapstds.html>).

e. Bathymetry, whether represented as a raster, point locations, or contours, must conform to the standards developed by the NOAA-NGS and published in their hydrographic

surveys specifications and deliverables document (<http://www.nauticalcharts.noaa.gov/hsd/specs/specs.htm>).

B. Transportation

1. General Description

a. Transportation refers to the features that represent roads, railroads, pipelines, and other means of conveyance of persons or commodities, whether by vehicle or other means.

2. Feature Standards

a. The transportation layer shall follow the standards of the Louisiana Department of Transportation and Development, as modified from the US Bureau of the census, TIGER data specification ([http://www.fgdc.gov/standards/projects/FGDC-standards-projects/framework-data-standard/GI\\_Framework\\_Data\\_Standard\\_Part7\\_Transportation\\_Base.pdf](http://www.fgdc.gov/standards/projects/FGDC-standards-projects/framework-data-standard/GI_Framework_Data_Standard_Part7_Transportation_Base.pdf)).

C. Hydrography

1. General Description

a. Linear and aerial surface water features, including:

- i. streams;
- ii. rivers;
- iii. bayous;
- iv. lakes;
- v. ponds; and
- vi. all areal water bodies.

2. Feature Standards

a. The standard for water features shall be the national hydrography dataset (NHD). This is the surface water component of the national map designed to be used for mapping and in the analysis of surface-water systems by the federal government. The standards are maintained by the USGS NHD Program (<http://nhd.usgs.gov>).

D. Boundaries

1. General Description

a. Boundaries consist of features such as legal and administrative boundaries (parishes, cities, etc.). These represent the delineation of official boundaries, but do not necessarily constitute the legal, surveyed boundary of an entity.

2. Feature Standards

a. Feature standards will follow those established by the USGS The National Map Program (<http://nationalmap.gov/standards/qmapstds.html>). All boundary changes and updates will be coordinates with the US Census Boundary and Annexation Survey.

E. Land Cover and Land Use

1. General Description

a. Land cover constitutes the natural vegetative cover on the earth's surface (forest, water, open space, grassland, etc.). Land use is the manmade designations for an area. These include such features as urban or urbanized areas.

2. Feature Standards

a. Shall follow those established by the USGS The National Map Program (<http://nationalmap.gov/standards/qmapstds.html>).

F. Structures

2. General Description

a. Structures consist of features such as significant buildings, critical infrastructure, and other manmade structures.

2. Feature Standards

a. Shall follow those established by the USGS The National Map Program (<http://nationalmap.gov/standards/qmapstds.html>).

G. Public Land Survey System (PLSS)

1. General Description

a. PLSS is comprised of the surveyed Townships, Sections, and Section Corners established by the federal Land Ordinance of 1785, which provided for the systematic survey and monumentation of public domain lands, and the Northwest Ordinance of 1787. Features in this layer represent the survey results that conform to the standards set forth in The Manual of Instructions for the Survey of the Public Lands of The United States (1973), available from the US Department of the Interior, Bureau of Land Management (<http://www.blm.gov/cadastral/Manual/73man/id1.htm>).

2. Feature Standards

a. Shall follow those established by the US Department of the Interior, Bureau of Land Management [http://www.geocommunicator.gov/GeoComm/lis\\_home/home/index.htm](http://www.geocommunicator.gov/GeoComm/lis_home/home/index.htm)).

H. Geographic Names

1. General Description

a. The names of features on official maps and in geospatial databases with the purpose to maintain uniform feature name usage throughout state and local government and to provide standard names to the public.

2. Feature Standards

a. Shall be established using the Geographic Names Information System (GNIS), the federal standard for geographic nomenclature. The USGS developed the GNIS for the US Board on Geographic Names (<http://geonames.usgs.gov>).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**§309. Database**

A. The database shall serve as:

1. a repository for the data layers contained in §105 and as described in §107;
2. a standard source for authoritative geospatial information for carrying out official business by all state agencies; and
3. the standard source for base map geospatial information of the common operational picture (COP) for all state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**§311. Liability Disclaimer**

A. The department shall not be liable to any person, entity or third party as the result of the use of information by any person, entity or third party of the information and data contained in the Geospatial Data Base of Louisiana; nor does the department warrant or guarantee the accuracy of any of

the information and data contained in the Geospatial Database of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**§313. Geographic Names**

A. The department shall act as the authority for all geographic names.

B. Geographic names shall be consistent with the standards established by the Geographic Names Information System (GNIS), established by the US Board of Geographic Names (<http://geonames.usgs.gov>).

C. The department, through its IT GIS Manager, will work with state agencies, political subdivisions, other governmental entities, and local authoritative entities within the state to establish a uniform use of geographic names.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**§315. Availability**

A. The department will make available its geospatial information system (GIS) services and data to all state agencies, the federal government, political subdivisions of the state, and private persons. As each data layer is developed it will be available on the Department of Transportation and Development website, <http://gis.dotd.la.gov>, at no cost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:36.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Management and Finance, LR 39:

**Family Impact Statement**

The proposed adoption of this Rule does not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings or family budget;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

## Public Comments

All interested persons are invited to submit written comments on the proposed regulations. Such comments must be received no later than 30 days from the date of publication of this Notice of Intent to James Mitchell, IT GEO Manager, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245, telephone (225) 379-1881.

Sherri H. LeBas, P.E.  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Geospatial Database

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated cost to implement the rule is \$1,000 in FY 13, which accounts for the cost to publish the Notice of Intent and the Rules in the State Register. Act 782 of the 2010 Regular Session of the Louisiana Legislature and Act 409 of the 2012 Regular Session enacted R.S. 48:36, which require the department to promulgate rules and regulations necessary for the planning and management of geospatial data. These proposed rules will establish standards for topographic mapping, data collection procedures for the incorporation of geospatial data into the statewide database, and for the planning and managing of those geospatial data. This establishes new rules, based on federal geospatial data standards already in practice by state and local agencies. These rules represent no significant change in how topographic mapping is performed within the state.

There would be no need to hire additional personnel in order to administer the program. The personnel within the Information Technology Section are adequate to handle the administration of the program.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on revenue collections of state or local governmental units as a result of the proposed rule.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will have a material economic benefit to non-governmental groups, specifically to persons and non-governmental groups that use geospatial data. Data will be available and provided to the public through internet sources as digital data and maps, at no cost.

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

The increased availability of up-to-date, accurate, and authoritative digital geospatial data may result in increased economic development opportunities for the state. The Department of Economic Development and local economic development agencies will benefit from these data.

Eric Kalivoda  
Deputy Secretary  
1211#043

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

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

#### Designation and Take of Exotic Fish (LAC 76:VII.199)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a rule to allow recreational fishers to harvest specified exotic fish with specific gears.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and other Aquatic Life

#### Chapter 1. Freshwater Sports and Commercial Fishing

#### §199. Designation and Taking of Exotic Fish

##### A. Exotic Fish that may be Sold Commercially

1. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

- grass carp (*Ctenopharyngodon idella*);
- silver carp (*Hypophthalmichthys molitrix*);
- bighead carp (*Hypophthalmichthys nobilis*);
- black carp (*Mylopharyngodon piceus*).

2. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain as bycatch all such designated exotic species of fish which may be caught in all legal commercial fishing gear, which gear is being legally fished. While alive, such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

3. Recreational fishers, both residents and non-residents, possessing a current license allowing for the take of freshwater species of fish, and anglers exempted from the purchase of a basic fishing license, may take silver and bighead carp (*Hypophthalmichthys molitrix* and *H. nobilis*) by means of boats, dip nets, spears and by snagging.

##### B. Exotic Fish that may not be Sold Commercially

1. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

- apple snails (*Pomacea* spp);
- Rio Grande Cichlid (*Herichthys cyanoguttatum* formerly *Cichlasoma cyanoguttatum*).

2. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain all such designated exotic species of fish taken by any legal method, provided that such action as necessary is taken to kill the species immediately upon capture.

3. Such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:319.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:728 (March 2005), amended LR 39:

#### Family Impact Statement

In accordance with Act 1183 of 1999 regular session of the Louisiana Legislature, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the

preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

**Public Comment**

Interested persons may submit comments relative to the proposed Rule to Robert Bourgeois, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, by Friday, December 10, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Ann L. Taylor  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Designation and Take of Exotic Fish**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will have no impact on state or local governmental unit expenditures.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue to the state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change designates all apple snails in the Pomacea genera and Rio Grande Cichlids as exotic fish and establishes that it shall be legal to harvest these nonindigenous species by any method. The proposed rule change also establishes that it shall not be legal to maintain, sell, barter, trade, or exchange any apple snails in the Pomacea genera or Rio Grande Cichlids.

Currently, it is illegal to sell Rio Grande Cichlids in Louisiana but Rio Grande Cichlids can be purchased from retailers outside Louisiana and shipped to Louisiana and caught in many Louisiana waterways. The proposed rule change would negatively affect individuals who wish to possess and maintain Rio Grande Cichlids, for display in aquariums or other purposes, because they would no longer be allowed to do so.

Some species of apple snails are currently sold commercially in pet stores in Louisiana. The proposed rule change would negatively impact these pet stores, the individuals who sell apple snails to these pet stores, and individuals who purchase these apple snails because it prohibits the sale and possession of all apple snails. The number of persons or businesses who will be negatively affected by the prohibition on the sale of all apple snails in the Pomacea genera is indeterminable.

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

The proposed rule change is anticipated to have no effect on competition and employment in the public and private sectors.

Lois Azzarello  
Undersecretary  
1211#029

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Workforce Commission  
Office of Workers' Compensation**

Hearing Rules (LAC 40:I.5507 and 6631)

Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana Workforce Commission, Office of Workers' Compensation, pursuant to authority vested in the Director of the Office of Workers' Compensation by R.S. 23:1310.1 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend rules governing the procedure before the workers' compensation court, LAC 40:I, Subpart 3, Chapters 55 through 66 to provide for the procedural rules for the workers' compensation court.

This proposed Rule provides stipulations and procedures related to the Worker's Compensation program. The proposed Rule addresses in total or in part numerous procedures regarding the hearing process for work's compensation claims. In addition, the Rules provide direction regarding the changes instituted by Act 860 of the 2012 Regular Session of the Legislature allowing for preliminary determination hearings by a workers' compensation judges designated for this purpose by the director of the office of workers' compensation.

**Title 40**

**LABOR AND EMPLOYMENT**

**Part I. Workers' Compensation Administration**

**Subpart 3. Hearing Rules**

**Chapter 55. General Provisions**

**Subchapter C. Commencement**

**§5507. Commencement of a Claim**

A. - C. ...

\* \* \*

D. Upon making the first payment of indemnity benefit and upon modification or suspension of payment for any cause, the employer or insurer shall immediately send a notice to the office that payment of indemnity benefits has begun or has been suspended or modified. In no event shall the notice described above be sent to the office later than 10 days after the first payment of indemnity benefit has begun or has been suspended or modified.

E. The notice referred to in Section D shall be filed on Form LWC-WC 1002.

F. A copy of Form LWC-WC 1002 referred to in Paragraph E of this Section shall be provided to the employee or the employee's designated representative no later than 10 days after the first payment of indemnity benefit has begun or has been suspended or modified.

G. An injured employee or his designated representative who disagrees with the information provided on the notice of payment shall notify the payor of the basis for disagreement and provide the amounts believed appropriate. The employee's notification of the basis for disagreement and the amounts he believes appropriate shall be made, in writing, to the payor and shall be made on Form LWC-WC 1002.

H. If a dispute arises concerning the information contained in Form LWC-WC 1002, the payor shall initiate the request for preliminary determination described in R.S. 23:1201(H)(2)(b)(ii). A hearing regarding the dispute shall be held as follows:

1. A preliminary determination hearing shall occur by telephone, within 15 days of the date the request for preliminary determination is filed.

2. Not later than 30 days after the filing of a request for a preliminary determination hearing, the workers' compensation judge shall issue a written decision recommending the amount of the indemnity benefit.

3. The payor is responsible for initiating the conference call between the parties and the workers' compensation judge.

4. Any records or exhibits to be considered by the workers' compensation judge shall be submitted to the court no later than 48 hours prior to the hearing, along with any memoranda setting forth the basis of the dispute and the parties contentions, accompanied by a certificate confirming that copies of all records or exhibits have been provided to all known adverse parties and/or their designated representatives.

I. The payor's request for preliminary determination shall be made, in writing, and also shall be made on Form LWC-WC 1002. The request for preliminary determination

shall be submitted to a workers' compensation district in accordance with the venue provisions set forth in R.S. 23:1310.4.

J. A payor who disagrees with the recommendation of the workers' compensation judge may file a disputed claim for compensation on Form LWC-WC 1008 in accordance with R.S. 23:1201(H)(e) and (f). An employee may file a disputed claim for compensation on Form LWC-WC 1008 when the payor does not file a timely request for preliminary determination.

K. The standard for reviewing the recommendation of a workers' compensation judges' decision on a preliminary determination shall be by trial de novo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1201(H).

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999) amended LR 25:1860 (October 1999), LR 33:652 (April 2007), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 37:1626 (June 2011), amended by the Department of Labor, Office of Workers' Compensation Administration, LR 39:

**Chapter 66. Miscellaneous**  
**Subchapter E. Forms**  
**§6631. Notice of Payment; Form LWC-WC-1002**

MAIL TO:  
OFFICE OF WORKERS' COMPENSATION  
POST OFFICE BOX 94040  
BATON ROUGE, LA 70804-9040  
(225) 342-7565  
TOLL FREE (800) 201-3457

1. Last 4 Digits of Social Security No. \_\_\_\_\_  
2. Date of Injury/Illness \_\_\_\_ - \_\_\_\_ - \_\_\_\_

**NOTICE OF PAYMENT**

This form is to be completed by the Employer/Insurer and sent to the injured employee with the first check or within 10 days of suspension/modification and/or change to SEB. A copy must be sent to the Office of Workers' Compensation Administration within 10 days of the effective date.

3. Purpose of Form (check one):  
 Payment                       Modification                       Suspension                       Change to SEB
4. Employee Name \_\_\_\_\_ 5. \_\_\_\_\_  
Effective Date
6. Part(s) of Body Injured \_\_\_\_\_
7. Nature of Injury \_\_\_\_\_
8. Compensation is paid as follows:
- A. Weekly payments of \$ \_\_\_\_\_ based on an average weekly wage of \$ \_\_\_\_\_ have begun.
  - B. Payments re-started at \$ \_\_\_\_\_ per week.
  - C. Payments reduced by \$ \_\_\_\_\_ due to:
    - Social Security Benefits                       Other Workers' Compensation Benefits
    - Employer Disability Benefits                       Unemployment Insurance Benefits
    - Third Party Recovery                       Refused Rehabilitation
    - Other:
  - D. Permanent Partial Benefits of \$ \_\_\_\_\_ will be paid for \_\_\_\_ weeks.
  - E. Supplemental Earnings Benefits of \$ \_\_\_\_\_ will begin \_\_\_\_\_  
The exact amount received weekly may vary.
  - F. Death Benefits have begun in the amount of \$ \_\_\_\_\_ per week,  
representing \_\_\_\_\_ % of wages.
  - G. Payment suspended due to employee failing to cooperate.
  - H. Other reasons or explanations \_\_\_\_\_
9. Submitted by:

Preparer's Name : \_\_\_\_\_  
Employer/Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_  
Employer/Insurer NCCI Number: \_\_\_\_\_

Employee Name: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

LDOL-WC-1002  
REV. 02/12

NOTE: Complete next page if employee disagrees with information contained on this page.



MAIL TO:  
Employer/Insurer

Last 4 Digits of Social Security No. \_\_\_\_\_

Date of Injury/Illness \_\_\_\_\_

**BASIS OF DISAGREEMENT**

10. \_\_\_\_\_ Average Weekly Wage Incorrect      \$ \_\_\_\_\_ Amount Believed Appropriate

11. \_\_\_\_\_ Weekly Payment Incorrect      \$ \_\_\_\_\_ Amount Believed Correct

12. \_\_\_\_\_ Amount of SEB Incorrect      \$ \_\_\_\_\_ Amount Believed Correct

Employee/Employees Representative

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

MAIL TO:  
OFFICE OF WORKERS' COMPENSATION  
POST OFFICE BOX 94040  
BATON ROUGE, LA 70804-9040  
(225) 342-7565 TOLL FREE (800) 201-3457

**REQUEST FOR PRELIMINARY DETERMINATION**  
Reason You Believe Original Payment Correct

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employer/Insurer  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

CERTIFICATION  
I hereby certify that this form has been provided to  
Employee/employee representative on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_  
  
\_\_\_\_\_  
Signature

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:286 (February 1999), amended by Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 39:

#### **Family Impact Statement**

Implementation of this proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on any family formation, stability, and autonomy. This proposed Rule shall not have any impact on the six criteria set out in R.S. 49:972(D).

#### **Small Business Statement**

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

#### **Public Comments**

Inquiries concerning the proposed amendments may be directed to: Director, Office of Workers' Compensation Administration, Louisiana Workforce Commission, P.O. Box 94040, Baton Rouge, LA 70804-9040. Interested parties may submit data, views, arguments, information or comments on the proposed amendment in writing to the Louisiana Workforce Commission, Office of Workers' Compensation, P.O. Box 94040, Baton Rouge, Louisiana 70804-9040., Attention: Director, Office of Workers' Compensation Administration. Written comments must be submitted and received by the department within 20 days from the publication of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the department within 20 days of the publication of this notice

#### **Public Hearing**

A public hearing will be held on December 27, 2012, at 9 a.m. at the LWC Training Center, 2155 Fuqua St., Baton Rouge, LA 70802.

Curt Eysink  
Executive Director

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hearing Rules**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This proposed rule provides stipulations and procedures related to the Worker's Compensation program. The proposed rule addresses in total or in part numerous procedures regarding the hearing process for work's compensation claims. In addition, the rules provide direction regarding the changes instituted by Act 860 of the 2012 Regular Session of the Legislature allowing for preliminary determination hearings by a workers' compensation judge designated for this purpose by the director of the office of workers' compensation. The procedures will allow the less complicated disputes concerning the calculation of the average weekly wage to be settled by phone in a shorter time period and using fewer total resources than the more complex cases by streamlining the process of resolution.

It is anticipated that state government expenditures will not be impacted as the existing workers' compensation judges have been designated by the director to handle the preliminary determination. The number of preliminary determination hearings is not expected to substantially increase the work performed by these judges such that additional judge positions or related staff will be required at this time. The department will absorb any additional duties that may arise by utilizing the current staff within the existing budget. There is no impact to administrative expenses of local government units as a result of this measure.

### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Worker's Compensation Administration Fund is financed with assessments paid by insurance companies writing worker's compensation insurance and self-insurers to cover administrative functions related to worker's compensation. There is no fiscal impact to these assessments caused by these changes in the Hearing Rules. Worker's compensation judgments are not paid through the state budget. Regardless, the quantity and magnitude of judgments are not expected to change due to this rule, which primarily addresses procedures for handling preliminarily and summarily a single issue customarily handled in the context of the claim on the merits. There is no impact to revenue collections of local government units as a result of this measure.

### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

All changes to the rule are procedural and will have no economic impact to directly affected persons or non-governmental groups. However, the new procedures may allow certain disputes involving the calculation of the average weekly wage to be settled more timely.

### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule should not affect competition or employment.

Wes Hathaway  
Director  
1211#067

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

# Committee Reports

## COMMITTEE REPORT

### Senate Senate Committee on Health and Welfare

Report of the Senate Health and Welfare Committee  
Permanent Rule Oversight Hearing on Rule Changes  
Proposed by the Board of Dentistry (LAC 46:XXXIII.130)

Editor's Note: This Notice of Intent may be viewed in its entirety on page 1805 of the July 20, 2012 edition of the *Louisiana Register*.

October 12, 2012

The Senate Health and Welfare Committee convened a meeting on Friday October 12, 2012, to exercise oversight jurisdiction, as provided for in the Administrative Procedure Act, on permanent rule LAC 46:XXXIII.130 proposed by the Louisiana State Board of Dentistry.

After consideration of the testimony, the committee voted to reject the permanent rule LAC 46:XXXIII.130 proposed by the Louisiana State Board of Dentistry under the statutory requirements for criteria and issuance of a permanent rule under the Administrative Procedure Act.

The committee voted on the four determinations as provided for in La. R.S. 49:968(D)(3)(a)-(d):

i. The committee voted yes, without objection, that the proposed rule is in conformity with the intent and scope of the enabling legislation purporting to authorize the adoption thereof.

ii. The committee voted no, without objection, that the proposed rule is in conformity and not contrary to all applicable provisions of law and of the constitution.

iii. The committee voted no, without objection, that the proposed rule change is advisable.

iv. The committee voted no, without objection, that the proposed rule is acceptable to the oversight committee.

David R. Heitmeier, O.D.  
Chairman

1211#126

## COMMITTEE REPORT

### House of Representatives Committee on House and Governmental Affairs

Report of the Committee on House and Governmental  
Affairs on Rule Changes Proposed by the  
Division of Administrative Law (LAC 1:III.505 and 507)

Editor's Note: This Notice of Intent may be viewed in its entirety on pages 1756-1760 of the July 20, 2012 edition of the *Louisiana Register*.

October 25, 2012

On October 25, 2012, the Committee on House and Governmental Affairs held a meeting to consider rule changes proposed by the Division of Administrative Law. The committee found certain parts of the proposed changes to be unacceptable. The committee severed the proposed changes to Sections 505 and 507 from the set of proposed rule changes and found the proposed changes to Sections 505 and 507 to be unacceptable.

Tim Burns  
Chairman

1211#125

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

#### Annual Quarantine Listing Plant Protection and Quarantine

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., R.S. 3:1652, R.S. 3:1732 and LAC 7:XV:107, 109 the annual quarantine listing for 2012 is being supplemented to include the following quarantines and locations.

#### Supplement to Annual Quarantine Listing – 2012 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

- (a) ...
- (b) In the State of Louisiana:

- 1) ...
- 2) The properties located at the following coordinates: 32.01086, -91.66912; 32.01367, -91.66518; 32.00744, -91.64095; 31.98822, -91.64030; 31.98792, -91.63586; 32.457650, -91.572820; 32.500024, -91.500030; and any properties within a 300-yard radius of these coordinates.

2.0 -13.0 ...

#### 14.0 Asian Citrus Psyllid (*Diaphorina citri* Kuwayama)

Louisiana, Parish of St. Bernard

Date: November 7, 2012

Mike Strain DVM  
Commissioner

1211#129

## POTPOURRI

### Department of Environmental Quality Office of Environmental Services Air Permits Division

Suspension of Stage II Vapor Recovery Systems  
Requirements for Control of Vehicle Refueling Emissions  
at Gasoline Dispensing Facilities (LAC 33:III.2132)

On May 16, 2012, the EPA published a notice in the *Federal Register* (77 FR 28772) stating the EPA administrator signed a notice of final rulemaking determining that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet. Therefore, the EPA administrator exercised her authority to waive the statutory requirements that ozone nonattainment areas adopt and implement EPA programs requiring stage II gasoline vapor recovery systems at certain gasoline dispensing facilities. (1211Pot1)

Notice is given that the Department of Environmental Quality (DEQ) is hereby suspending the requirements under LAC 33:III.2132 to install CARB-approved stage II vapor recovery systems in newly constructed motor vehicle fuel

dispensing facilities (MVDFD) after May 16, 2012 in the affected parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.

The suspension of these requirements only applies to:

1. any new MVDFD that began construction on or after May 16, 2012 and has not begun dispensing fuel, and would otherwise be required under LAC 33:III.2132 to install CARB approved stage II vapor recovery systems;

2. any new MVDFD that has not begun dispensing fuel - which began construction before May 16, 2012, and which can certify that stage II equipment has not begun to be installed at the facility;

3. any existing MVDFD that becomes subject to Stage II requirements due to an increase in throughput as specified in LAC 33:III.2132 on or after May 16, 2012 and would otherwise be required to install stage II vapor recovery systems.

MVDFDs currently equipped with stage II systems must continue to comply with existing stage II requirements in LAC 33:III.2132. Also, MVDFDs that meet the requirements of this directive must continue to comply with the stage I requirements in LAC 33:III.2131. A violation of effective regulations may subject the violator to enforcement.

DEQ will continue to evaluate the stage II regulations and the state implementation plan for possible withdrawal of stage II systems requirements in LAC 33:III.2132 pursuant to EPA guidance. Please be advised that any discretion exercised by the department is not necessarily representative of any action the EPA or any third parties may initiate.

If you have questions, please call Vivian Aucoin at (225) 219-3389 or Gilberto Cuadra at (225) 219-3419, or via email to [vivian.aucoin@la.gov](mailto:vivian.aucoin@la.gov) or to [gilberto.cuadra@la.gov](mailto:gilberto.cuadra@la.gov).

Herman Robinson, CPM  
Executive Counsel

1211#026

## POTPOURRI

### Department of Public Safety and Corrections Oil Spill Coordinator's Office

Deepwater Horizon Oil Spill; Draft Phase II Early  
Restoration Plan and Environmental Review  
Notice Correction

**Action:** Notice of availability and request for comments; correction.

The Louisiana Oil Spill Coordinator's Office published a Notice of Availability and request for comments in the October 2012 Louisiana Register on pages 2670-2671 providing information related to the *Deepwater Horizon* Oil Spill and proposed early restoration. This correction notice corrects and amends the information provided in the October Register notice:

The correct title of the document released for public comment is the "Draft Phase II Early Restoration Plan and Environmental Review" ("Phase II DERP/ER"). All

reference to the “Draft Phase II Early Restoration Plan and Environmental Assessment” or “Phase II DERP/EA” are hereby deleted and replaced with “Draft Phase II Early Restoration Plan and Environmental Review” or “Phase II DERP/ER”, as appropriate.

The Phase II DERP/ER was released on November 6, 2012.

**Comment Due Date:** Public comments on the Phase II DERP/ER received on or before December 10, 2012 will be considered.

**Addresses**

**Obtaining Documents:** You may download the Phase II DERP/ER at <http://losco-dwh.com/>.

Alternatively, you may request a CD of the Phase II DERP/ER (see for further information contact). You may also review hard copies of the Phase II DERP/ER at the public repositories listed at <http://losco-dwh.com/>.

**Submitting Comments:** You may submit comments on the Phase II DERP/ER by one of the methods listed in the Phase II DERP/ER or any of the following:

Via the Web: <http://losco-dwh.com/EarlyRestorationPlanning.aspx>

For electronic submission of comments containing attachments, email: [Karolien.Debusschere@la.gov](mailto:Karolien.Debusschere@la.gov)

U.S. Mail: Louisiana Oil Spill Coordinator’s Office, P.O. Box 66614, Baton Rouge, LA 70806 or U.S. Fish and Wildlife Service, P.O. Box 2099, Fairhope, AL 36533.

**For Further Information Contact:** Karolien Debusschere at [Karolien.Debusschere@la.gov](mailto:Karolien.Debusschere@la.gov)

Brain Wynne  
Coordinator

1211#058

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

**Orphaned Oilfield Sites**

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Harter Oil Company	Tullos Urania	M	Urania LBR CO E	001	9443
C. L. Morris	Caddo Pine Island	S	Files & Mayfield	002	51720
Arcadia Refining Company	Greenwood -Waskom	S	GW MPT SU;AGURS	002	41624(28)
Severn Energy, Inc.	Caddo Pine Island	S	ENIS SWD	001	234456
Severn Energy, Inc.	Caddo Pine Island	S	ENIS	002	234991

Operator	Field	District	Well Name	Well Number	Serial Number
Severn Energy, Inc.	Caddo Pine Island	S	ENIS	003	235140
Scooter's Drilling Service	Red River-Bull Bayou	S	E T Robinson A	001	70779
Texas Gas Exploration Corp.	Wildcat-So La Lafayette Dist	L	Felicite D Hebert	001	71161
Bpr Energy, Inc.	Bayou Choctaw	L	E B Schwing B SL 2249 SWD	003	48687
Bpr Energy, Inc.	Bayou Choctaw	L	SL 26926	001	50980
Bpr Energy, Inc.	Bayou Choctaw	L	E B Schwing ET AL B	004	51675
Bpr Energy, Inc.	Bayou Plaquemine	L	C RA SUA; Wilberts	001	140854
Bpr Energy, Inc.	Bayou Plaquemine	L	A Wilberts Sons L&S CO	001-D	141384
Bpr Energy, Inc.	Pinewood	L	Temple 16	001	219537
Bpr Energy, Inc.	Woodlawn	L	Michael Augustine	001	226781
W. C. Nabors	Red River-Bull Bayou	S	W C Nabors B-2	002	39429
Genesis Producing Company, LP	Elba	L	L WX RA SUC; Martin A	001	169315
Genesis Producing Company, LP	Elba	L	L WX RA SUQ;Martin LBR	004	170068
Genesis Producing Company, LP	Elba	L	L WX RA SU; Martin A	002	172903

James H. Welsh  
Commissioner

1211#040

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund**

**Underground Obstruction  
Latitude/Longitude Coordinates**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 23 claims in the amount of \$102,178.72 were received for payment during the period October 1, 2012 - October 31, 2012

There were 22 paid and 1 denied.  
 Latitude/Longitude Coordinates, in Degree Decimal  
 Minutes, of reported underwater obstructions are:

29 09.590	90 38.614	Terrebonne
29 09.736	91 01.231	Terrebonne
29 14.365	89 56.558	Jefferson
29 16.337	89 57.072	Jefferson
29 16.575	91 26.530	Saint Mary
29 16.747	89 56.804	Jefferson
29 17.862	89 54.346	Jefferson
29 19.033	89 57.137	Jefferson
29 19.841	90 37.414	Terrebonne
29 19.880	90 37.400	Terrebonne
29 22.582	90 32.271	Terrebonne
29 23.962	89 59.077	Jefferson
29 24.326	90 03.036	Lafourche

29 38.790	89 32.827	Plaquemines
29 42.812	90 06.726	Jefferson
29 47.170	89 48.210	Plaquemines
29 49.714	89 30.260	Saint Bernard
30 02.014	89 48.434	Saint Bernard
30 09.432	89 45.172	Orleans

A list of claimants and amounts paid can be obtained from  
 Gwendolyn Thomas, Administrator, Fishermen's Gear  
 Compensation Fund, P.O. Box 44277, Baton Rouge, LA  
 70804 or you can call (225)342-9388.

Stephen Chustz  
 Secretary

1211#059

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