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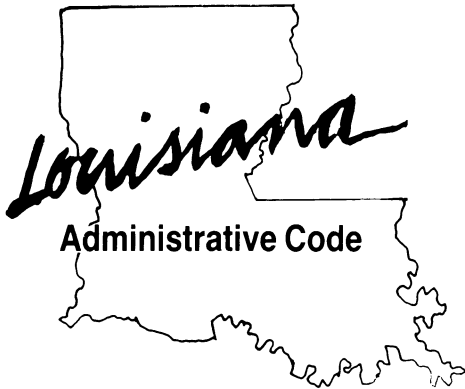
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Executive Orders

EXECUTIVE ORDER BR 88 - 14

WHEREAS, Article IX, Section One of the Louisiana Constitution states that, "The natural resources of the state, including the air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy;"

WHEREAS, Louisiana is blessed with an abundance of energy resources in an unusual number of forms, including oil, natural gas, lignite coal, geopressure-geothermal, solar and even hydroenergy, and in its role as a leading port state is involved with coal, oil, and natural gas transportation;

WHEREAS, the energy industry has been the economic mainstay of Louisiana's economy throughout most of this century, this being particularly evident in recent years as state revenues have tracked the industry's decline resulting from plummeting prices and a dramatically declining resource base;

WHEREAS, employment in Louisiana has also suffered as the state has lost over 45,000 jobs in the energy industry and twice that many indirect jobs over the last five years;

WHEREAS, it is clear that the energy resources of Louisiana may be developed in a manner that maximizes the value of the resource while protecting and even enhancing the state's fragile environment;

WHEREAS, Louisiana's dual role as a leading producer as well as a leading energy consuming state focuses attention on our production, refining, transportation, and use of oil and gas as well as lignite, nuclear energy, biomass, bituminous coal and recycled materials;

WHEREAS, energy conservation, the development of alternate fuels, and enhanced oil recovery are basic to the state's interest as a leading energy consuming state;

WHEREAS, Louisiana is unique in having sophisticated energy facilities that serve the entire nation including the nation's only offshore oil terminal, a liquefied natural gas terminal, and the Strategic Petroleum Reserve, as well as the primary staging and receiving area for the majority of the nation's offshore oil and gas production;

WHEREAS, state and federal policies have inestimable impacts on the oil and gas and energy industries and are often inconsistent, inequitable and unworkable;

WHEREAS, fully 97 percent of this nation's transportation runs on petroleum, making the oil and gas industry critical to national security as well as to the state's economy;

WHEREAS, reasonably priced, reliable electric power is essential to the continued economic development of Louisiana;

WHEREAS, Louisiana's working people, energy consumers (residential, commercial and industrial) and state government all have a tremendous economic stake in a rational state energy policy; and

WHEREAS, employment, a stable economic base, and a healthy environment are all primary goals of the State of Louisiana and a rational state energy plan is one means of assuring those goals as well as providing a measure of national security in a policy area so vital to this nation.

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

SECTION 1. The Governor's Commission on a Louisiana Energy Policy be created and charged with the task of developing a state energy policy which considers all aspects of energy production, transportation, and consumption in the state, in a manner that is consistent with Article XI, Section One of the Constitution, fully recognizing and evaluating economic development benefits and environmental impacts and providing for a state/federal energy policy interface.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 13th day of May, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Management and Finance Central Registry

In accordance with the provisions of R.S. 3:3651, 3:3655 and Public Law 99-198 (Food Security Act of 1985) the Department of Agriculture and Forestry has adopted the following emergency rule.

Rule 18117.A is amended to read:

Add the following to the farm products list:

CODE	PRODUCT
4000	TIMBER

All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 44306, Capitol Station, Baton Rouge, LA 70804.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Teacher Certification Fee Schedule

The State Board of Elementary and Secondary Education, at its meeting of May 26, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and amended the Teacher Certification Fee Schedule as follows:

CERTIFICATION FEE SCHEDULE

ALL CERTIFICATION FEES ARE NONREFUNDABLE
(Valid for one year pending completion of transaction or request)

INITIAL CERTIFICATION APPLICATION FEE	IN-STATE	OUT-OF-STATE
TEACHING CERTIFICATES	\$25.00	\$40
Type C certificate		
Temporary certificate (Initial Certificate Only)		
Emergency permit		
Temporary employment permit		
ANCILLARY CERTIFICATE	\$25.00	\$40
VTIE	\$25.00	
ADDITIONAL CERTIFICATION ENDORSEMENTS/ TRANSACTIONS		\$15
Additional Endorsement to Certificate		
Higher Certificate		
Name Change		
Adding Degree		
Extension		
Written evaluations (Limit 2)		
Reissuance of temporary certificate (No Charge)		
DUPLICATE CERTIFICATE		\$15
COPIES OF MATERIAL IN FOLDER		\$ 5
Letters - Per letter		
Transcripts - Each university		
NTE scores		
BULLETIN 746, "Louisiana Standards for State Certification of School Personnel"		
PART A - Teachers, Administrators and Ancillary Personnel		\$ 6
PART B - Vocational-Technical Personnel		\$ 2

CERTIFIED CHECK or MONEY ORDER to be made payable to the

Louisiana Department of Education

Effective: July 1, 1988
(Replaces Board policies 4.05.00 and 4.05.01)

This emergency adoption is necessary because the effective date of the revised fee schedule is July 1, 1988.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration**

Because of the dire fiscal problems the State of Louisiana is presently experiencing, it is imperative that all cost saving ideas be implemented as soon as possible to avoid severe statewide

cutbacks in programs or personnel. The Division of Administration under the authority granted by R. S. 39:231, has determined that it is therefore necessary to exercise the emergency provisions of R. S. 49:953B. to amend LAC 4:V.1553 (PPM No. 49, General Travel Regulations) in the following respect:

§1553. General Provisions

A. Funds for Travel Expense

...Advances of funds for travel shall be made only as approved by the Division of Administration...

B. State Agency Credit Cards or Charge Accounts

...unless prior written permission has been obtained from the Commissioner of Administration. Such permission must be renewed by July 1 of each fiscal year.

C. Individual Charges on Corporate Cards (New)

The state encourages but does not require the use of the individual corporate charge card competitively awarded. However, the state accepts absolutely no liability for charges made on these cards.

D. Authorized Travel Agency (New)

Effective July 1, 1988, all travel arrangements for lodging, conference facilities, and/or transportation (commercial or chartered airline, train, road vehicle rental, etc.) covered by these regulations shall be made through the authorized travel agency and its affiliates unless an exception has been granted by the Commissioner of Administration, or an emergency has been certified by the department head. Services are available 24 hours a day, every day of the year. All other regulations applicable to such services, such as receiving bids for conference arrangements under the Executive Order governing small purchases, shall be followed, using the travel agency as negotiator with and for the state. Procedural details will be issued from time to time by the Commissioner.

Steve Cochran
Acting Commissioner

DECLARATION OF EMERGENCY

**Office of the Governor
Office of Elderly Affairs**

The Office of the Governor, Office of Elderly Affairs, has exercised those powers conferred by the emergency provisions of the Administrative Procedure Act [R.S. 49:953 (B)] to amend the FY 1988 - FY 1991 Louisiana State Plan on Aging, effective July 1, 1988. The purpose of the amendment is to incorporate Allen Parish into the planning and service area (PSA) currently served by Cajun Area Agency on Aging. The PSA includes Acadia, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion parishes. This amendment reduces the number of area agencies on aging in Louisiana from 35 to 34.

The notice of intent to amend the FY 1988 - FY 1991 Louisiana State Plan on Aging appears in this issue of the *Louisiana Register*.

Bobby Fontenot
Finance Manager

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Community Services Division of Children, Youth, and Family Services

Effective July 1, 1988, the Department of Health and Hospitals, Office of Community Services has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953(B), to discontinue providing day care services to children through the Purchase of Service (POS) contracts payment system. All day care services will be provided through the Vendor Day Care Program administered by the Division of Children, Youth and Family Services (DCYFS). Priority for receipt of services will be given to the need for day care for protection of children at risk of abuse and/or neglect. This emergency rule is essential to avoid automatically curtailing day care services on July 1, 1988, to children participating in either POS contracted day care programs or vendor programs which could place the health, safety, and welfare of these children in imminent peril. This emergency action is critical to assure that a gradual reduction is accomplished in overall day care services as children exit day care in order to comply with budget reductions while maintaining a transition period for shifting available day care funding through attrition to the geographic areas of greatest need for children at risk of abuse and/or neglect.

Day care placement slots will not be allotted to specific service providers, but will be instead reallocated regionally based on overall service needs of eligible recipients. Client eligibility for day care services will be based on Title XX criteria which assesses family income and basis of need for day care. Eligibility is determined by staff in the parish offices of DCYFS. Families whose children are eligible for day care services will be allowed to select a center from among those in their area participating in the vendor day care program which would include the former Purchase of Service programs.

A maximum payment of \$7 per day, per child, or \$154 per month will be made to vendor day care centers offering full-time care to participants in this program.

Day care centers currently operating under purchase of service contracts will be converted to the vendor program payment system effective July 1, 1988. A local DCYFS representative will work with each former Purchase of Service provider to insure a smooth transition for payments and to minimize disruption in overall available day care services in each region of the state. Children enrolled in those centers on July 1, 1988, will continue to receive services until their next eligibility redetermination in order to allow a period of transition for these programs. If they are found ineligible at that redetermination or if a slot is no longer available because children in need of protection due to risk of abuse and/or neglect require all available slots, their services will be curtailed.

For any newly authorized day care placement, the DCYFS:

- a. apply the uniform Title XX eligibility criteria to each potential recipient,
- b. afford first priority for funding to protection of children at risk of abuse and/or neglect, and
- c. allow the family freedom of choice in selecting from the day care centers in their geographic area.

Brenda L. Kelley
Deputy Assistant Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Gary W. Project Office

Effective June 20, 1988, the Department of Health and Hospitals, Office of the Secretary, Gary W. Project Office has exercised the emergency provision of the Administrative Procedure Act R.S. 49:953 (B) to amend LAC 48:I. Chapter 13, the DHH Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Deaths of Gary W. Classmembers. This revision is necessary to comply with the Court Order issued by Judge Robert Collins on May 4, 1988, in the matter of *Gary W., et al., vs. State of Louisiana, et al.* Also published in this issue is the notice of intent, and fiscal and economic impact statement. Chapter 13 is being amended to read as follows.

Title 48

PUBLIC HEALTH – GENERAL

Part I. General Administration

Subpart 1. General

Chapter 13. DHH Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Deaths of Gary W. Classmembers.

§1301. Policy Statement

This document is a revision to 13:299 (May, 1987), DHH Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Deaths of Gary W. Classmembers. The primary purpose of this document is to ensure a more effective, efficient and responsive system of reporting incidents involving Gary W. classmembers. Additional purposes include:

- A. to differentiate types of incident;
- B. To differentiate allegations of abuse/neglect from unusual occurrences which are reported directly to the Gary W. Project Office and unusual occurrences which are reported to the designated agency representative;
- C. To provide procedures for reporting unusual occurrences, abuse/neglect allegations and the death of a classmember;
- D. To outline the responsibilities of significant parties;
- E. To explain corrective action and note the consequences for failure to implement corrective action.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1303. Definitions

A. *Incident* means the occurrence or suspected occurrence of any of the following: abuse, neglect, or unusual occurrence.

B. *Abuse* is any act which would endanger the well-being of a class member through the action of any individual, whether or not the class member is or appears to be injured or harmed. Abuse is categorized as follows:

1. Physical Abuse - physical contact including, but not limited to, hitting, slapping, pinching, kicking, hurling, strangling, shoving or otherwise mishandling of a class member. Physical contact that endangers the safety of the class member as well as handling of a class member with more force than is reasonably necessary also constitutes physical abuse.

2. **Sexual Abuse** - any sexual activity between the class member and educators, day care providers, employees, consultants, contractors and class members. Additionally, sexual abuse is any sexual activity between class members and others, or among class members unless the class member(s) involved is a consenting adult. Sexual abuse includes any touching or fondling of a class member directly or through clothing for the arousal or gratification of sexual desires of the perpetrator. It also includes encouraging a class member to touch or engage in any sexual activity with another person for the purpose of arousing or gratifying sexual desires.

3. **Psychological (Emotional) Abuse** - the use of verbal or non-verbal expressions in a tone of voice or in such a manner that subjects a class member to ridicule, humiliation, scorn or contempt.

4. **Seclusion** - the placement of a class member alone in a secured room from which he or she cannot leave at will. Seclusion is considered to be a form of abuse and is prohibited. Time out is not to be confused with seclusion. Time out, when used in accordance with the procedures set forth in Appendix A to this policy, is permissible.

C. The term **NEGLECT** means a negligent act or omission by any individual responsible for providing services or supervision to a class member which caused or may have caused injury to the class member or which placed the class member at risk or injury, and includes an act or omission such as the failure to provide adequate nutrition, supervision, clothing, or health care, or the failure to provide a safe environment for the class member.

D. **Unusual Occurrences**

1. **Elopement** - any absence of a class member from a program or placement which constitutes a danger to the well-being of that class member.

2. **Restraint** - any device which prevents the free movement of either/or both arms or legs, totally immobilizes a class member, or any medication ordered by a physician which renders the class member unable to participate in therapeutic, programmatic, or leisure activities.

3. **Medication Error** - the administration of medication in an incorrect form, not as prescribed or ordered, to the wrong class member, the failure to administer a prescribed medication, or the failure to correctly record (i.e. chart) a prescribed medication where such failure produces one of the aforementioned.

4. **Criminal Acts** - alleged actions by a class member such as homicide, attempted homicide, rape, public lewdness, robbery, theft, or any violations of the law.

5. **Accidents** - any injury to a class member which was caused accidentally or unintentionally.

6. **Fights Involving Class Members** - any use of physical force between or including one or more class members, whether or not injury occurs, in which staff were not involved except for purposes of stopping the fight.

7. **Injuries Whose Cause Cannot Be Determined** - any suspected or confirmed wound or harm to a class member whose cause cannot be determined, which results in a class member requiring medical attention by a physician, dentist, nurse, or any health care provider.

8. **Sensitive Situations** - delicate situations, not included in the aforementioned, which may have the potential to affect adversely the care, safety and/or well-being of a class member.

E. **Corrective Action Plan** is a specific plan of action to minimize the harmful impact or rectify incidents and to eliminate

and control the potential for abuse/neglect. The plan outlines specific action to be taken by specific parties with target dates for completion.

F. **Facility** means any place, however named, that provides: 1) any form of residential services, or 2) any form of day program services to class members.

G. **Facility Administrator** means the individual with ultimate responsibility for the daily operations of a facility.

H. **Responsible Individual** means the individual such as a foster parent, substitute family parent or staff person ultimately responsible for a supervised apartment, who is responsible for the care and program of a class member who is residing in a small facility.

I. **Small Facility** means any facility which has no employees and/or any facility which serves three or fewer class members, including, but not limited to, foster care, substitute family care and supervised apartment (but not including community class members).

J. **State Investigation Report** is any investigation report prepared by a State agency.

K. **Multiple Incidents** - the occurrence of three or more incidents to a class member in any six month period shall constitute a multiple incident.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1305. Where to Report Incidents

A. Incidents which must be Reported to the Gary W. Project Office

All incidents of:

1. physical abuse, sexual abuse, seclusion, unauthorized or inappropriate use of restraint, and neglect must be reported to the Gary W. Project Office;

2. any injury to a class member, no matter what the cause, which requires more than first aid (for example, any injury which requires: treatment by a physician, hospitalization, stitches, or more than one visit by a health care provider); or

3. elopement of class members whose absence constitutes a recognized danger to the possible well being of that class member or others would be reported immediately to the project office. For class members not in this category, the decision for reporting the absence shall be based on reasoned judgment, by taking into consideration the client's habits, deficits, mental status, capabilities, health problems, and similar considerations, but shall in no instance exceed 72 hours.

4. the occurrence of any of the above incidents shall be reported by the project office to the Quality Assurance Monitoring Group/Independent Monitoring Unit within 24 hours of their receipt of the report.

B. Incidents which must be Reported to the Designated Representative of the Local Oversight Committee

All incidents involving psychological abuse, all elopements in excess of 24 hours, and all unusual occurrences must be reported to the Local Oversight Committee, except those noted above in paragraph A (2) - (3). In case of reasonable doubt about whether an incident should be reported to the Gary W. Project Office or to the local oversight committee, the incident must be reported to the Gary W. Project Office with a comment or notation that the person who is reporting the incident is

in doubt as to whom the incident should be reported.

C. How and When to Report an Incident

1. Each facility shall at all times have two designated representatives who are available to receive incident reports from employees at any time.

2. Every employee of a facility must report any incident both in writing and by telephone to either the Gary W. Project Office or to the designated representative in accordance with (A) - (B) of this Section of this policy whenever the employee becomes aware of or has reason to believe that an incident has occurred.

3. The written report shall be filed on a Standard Incident Report Form and must be filed (or mailed) immediately, but in no event later than 24 hours following the incident. A copy of the incident report must also be sent to the class member's casemanager. The telephone report, containing all available information regarding the incident, must be made immediately, but in no event later than 12 hours following the incident.

4. Any employee who reports an incident to the Gary W. Project Office shall also report the incident to a designated representative and the facility administrator. If the employee believes that the designated representatives are involved in the incident, the employee shall report the incident to the Gary W. Project Office and to the facility administrator, his or her designee, or some other member of management of the facility and note his or her belief regarding the involvement of the designated representative.

5. The designated representative shall immediately review the incident report to ensure that it has been properly reported in accordance with this recommendation. If further reporting is required, the designated representative shall immediately (i.e. not later than 24 hours after receiving the employee's report) forward the report to the Gary W. Project Office and/or the casemanager. In addition, the designated representative shall send a copy of each incident report to the local oversight committee.

6. In the event that a verbal or telephone report of an incident involving a community class member is received by DHH from any individual, the DHH employee who receives the report will immediately communicate the information by telephone to the Gary W. Project Office. The project office will immediately communicate the report by telephone to the class member's casemanager. The casemanager will take appropriate action to prepare and file a standard incident report form immediately, but in no event later than 24 hours from the time the casemanager was notified by the project office of the incident.

D. Casemanager

Whenever a casemanager has reason to believe that an incident has occurred, he/she shall immediately determine whether an incident report has been filed under these rules. If an incident report has not been filed, the casemanager shall immediately report both the suspected incident and the failure of the facility to file an incident report to the Gary W. Project Office.

E. Special Rules for Small Facilities

1. Any person associated with a small facility who has responsibility to provide care and/or service to one or more Gary W. class members must report any incident both in writing and by telephone to the Gary W. Project Office whenever that person becomes aware of or has reason to believe that an incident has occurred.

2. The written report shall be filed on a standard incident report form and must be filed immediately, but in no event later than 24 hours following the incident. A copy of the incident

report must also be sent to the class member's casemanager. The telephone report, containing all available information regarding the incident, must be made immediately, but in no event later than 24 hours following the incident.

3. Responsibility for investigation of allegations of incidents in small facilities shall be as follows: The state will investigate all incidents of abuse and neglect and the following unusual occurrences: restraint, medication error, injuries whose cause cannot be determined, and elopement of the kind described in A.3 of this Section. For all other incidents, the Gary W. Project office may, in its discretion, request the responsible individual to conduct the investigation, but the state *must* conduct the investigation if: 1) there is any reason to believe that the responsible individual or any member of his/her family or staff were involved in the incident, and 2) this is a multiple incident.

4. Investigation of all incidents in small facilities shall commence within 12 hours of the receipt of the telephone report of the incident. During this 12-hour period, the investigator shall visit the facility and meet with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

5. The provision of this policy contained in (A) - (C) of this Section and §1307. and any references to the local oversight committee shall not apply to small facilities.

6. All other provisions of this policy shall apply to small facilities.

F. Special Rules for Community Class Members

The following rules govern investigations of incidents involving community class members:

1. The OHD investigative unit will investigate all incidents of abuse and neglect and the following unusual occurrences: restraint and injuries whose cause cannot be determined. For all other incidents, the casemanager shall conduct the investigation.

2. Investigation of all incidents involving community class members shall commence within 12 hours of the receipt by the Gary W. Project Office of a telephone report of an incident. During the 12-hour period, the investigator shall visit with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

3. The provision of this policy contained in (A) - (C) of this Section and §1307. and any references to the local oversight committee shall not apply to community class members.

4. All other provisions of this policy shall apply in small facilities.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14:

§1307. Responsibility for Investigations at Facilities Other Than Small Facilities and Other Than for Community Class Members

A. Except as otherwise provided in the following subsection, the state is responsible for investigating all incidents which are reported to the Gary W. Project Office.

B. In its discretion, the Gary W. Project Office may instruct the facility to investigate any incident which is reported to the Gary W. Project Office, except that the state *must* investigate all incidents listed in §1305. A (1) and (3) of this policy. In addition, the state *must* investigate any injury to a class member

which requires more than first aid whose cause cannot be determined or which occurs at the facility and may investigate any other injury which, in the discretion of the Gary W. Project Office, should be investigated by the state.

C. The facility shall be responsible for investigating all incidents which are reported exclusively to a designated representative under §1305.B. of this policy. The designated representative who receives the incident report shall conduct the investigation.

D. If the Gary W. Project Office makes a decision to have the facility conduct an investigation of an incident reported to the project office, it shall communicate that instruction by telephone to a designated representative within 12 hours of receipt of the incident report.

E. Investigation of all incidents shall commence within 12 hours of the receipt of the phone report of the incident. During this 12-hour period, the investigator will visit the facility and meet with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1309. Format for Investigation

A. Purpose and Standard of Proof

The purpose of the investigation is to determine if the allegation of abuse, neglect or other unusual occurrence can be substantiated by a fair preponderance of the credible evidence. That means that based upon a review of the believable evidence, an incident is more likely than not to have either occurred or not occurred. The investigator is to determine whether or not an incident occurred, even if the investigator cannot determine the cause or perpetrator of the incident. All investigations must use the standard form entitled Investigation Report.

B. Content of Investigation

Each investigation shall contain:

1. a summary description of any allegations, including the name and job title (or address) of the person making the allegation;
2. a summary of any injuries or other harm to the class member;
3. summaries or verbatim transcripts of any statements made by witnesses;
4. an evaluation by the investigator of the credibility of any witnesses, including any reasons for conclusions about the witnesses' credibility (e.g. personal involvement, bias);
5. a summary of any statements made by experts concerning their opinions as to the cause of any incident (e.g. statements by a physician whether an injury is likely to have been accidental);
6. an evaluation of the evidence by the investigator and his/her conclusion whether the allegation is valid, invalid, or invalid with concerns (listing the concerns);
7. any recommendations for corrective action;
8. steps taken to protect class member(s) during pendency of investigation.

C. Method of Proceeding

As a minimum, each investigator must:

1. review all medical reports connected with the alleged incident;
2. interview all witnesses to the incident;
3. interview all staff who were responsible for the class member at the time of the incident;
4. take notes or record each interview and prepare a summary of each interview;
5. where appropriate, take photographs of any injuries;
6. where appropriate, seek an evaluation of the incident from professionals who either work with the class member or who treated any injuries associated with an alleged incident.

D. Filing of Investigation Report

Upon completion of the investigation and preparation of the investigation report, the person responsible for conducting the investigation shall immediately send a copy to the Gary W. Project Office, the local oversight committee, the casemanager for the classmember(s) involved in the incident and the facility administrator. The Gary W. Project Office shall immediately send a copy of the investigation report to the Quality Assurance Monitoring Group/Independent Monitoring Unit, and plaintiff's counsel. In addition, the investigator shall conduct an exit interview with the facility administrator or his/her designee to outline findings and to cite recommendations.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1311. Employee Discipline

A. Responsibility and authority for imposition of discipline rests with the facility administrator.

B. Each facility shall maintain and disseminate to its employees a written policy which shall include the following:

1. a clear prohibition of abuse/neglect of residents as those terms are defined herein;
2. the concept of progressive discipline. This means that except in instances of extremely serious or repeated misconduct, discipline should focus on providing additional training or support for staff along with disciplinary measures short of termination (e.g. probation, suspension) rather than seeking termination of the employee as the first option;
3. measures to protect class members from an employee suspected of abuse/neglect during the pendency of any investigation. Such measures may include suspension, removing the employee from contact with and/or responsibility for the class member, transferring the employee to another facility or other measures as may be appropriate for the circumstance;
4. a requirement that final disciplinary action, if any, be taken within 48 hours of receipt of the investigation report, unless an employee admits responsibility for an incident of abuse/neglect or other compelling circumstances warrant immediate final action. Final disciplinary action should generally await the receipt of the investigation report.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1313. Local Oversight Committee

A. Responsibility

1. Each facility shall have a local oversight committee whose responsibility it is to: (a) review all reported incidents, (b) monitor, review and analyze investigations of incidents, (c) make recommendations to the facility administrator regarding corrective actions which are designed to reduce the risk of future incidents, including but not limited to recommendations regarding: staff training and orientation programs; personnel policies regarding employee discipline; staffing patterns; pre-employment screening procedures; staff recruitment, and criteria for hiring, (d) make recommendations to the facility administrator regarding any corrective action plan which may be requested by the Gary W. Project Office.

2. The minutes of all meetings of the Local Oversight Committee along with any recommendations issued by the committee shall be forwarded within three days of the Committee's meeting to (a) the facility administrator and (b) the Gary W. Project Office.

B. Composition of Local Oversight Committee

1. The Local Oversight Committee shall include, at a minimum:

- a. the facility administrator/or designee
- b. a direct care staff member
- c. at least two of the following:
 - i. a relative
 - ii. consumer
 - iii. advocacy group representative
 - iv. consultant (nurse, social worker, etc.) not employed by the facility or the DHH.

2. Meetings of the local oversight committee cannot proceed until the representative of each of the above groups is present.

3. The Human Rights Committee of any facility may perform the functions of the local oversight committee so long as the Human Rights Committee contains representatives from each of the groups designated in this Paragraph. Where the facility's Human Rights Committee is composed of a majority of facility personnel, a subcommittee reflecting the composition in B1., 2., and 3. shall serve as local oversight committee.

4. There shall be equal representation on the local oversight committee between non-facility representatives (B.3.) and the combined number of facility representatives (B.1. and B.2.). Further, no meeting of the local oversight committee may proceed unless there are at least as many non-facility representatives present at the meeting as facility representatives.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1315. Procedures Following Receipt of Investigation Report

A. Within 24 hours of its completion, copies of the investigation report shall be sent to (a) the facility administrator; (b) the Local Oversight Committee; and (c) the Gary W. Project Office. Within 24 hours of receipt of the Investigation Report, the Gary W. Project Office will send a copy of the investigation report to the Quality Assurance Monitoring Group/Independent Monitoring Unit and plaintiff's counsel.

B. The facility administrator shall take final disciplinary action, if any, in accordance with §1311.

C. The local oversight committee shall review all Investi-

gation Reports of any incident which was investigated by a designated representative.

D. Within seven business days of receipt of a state investigation report the Gary W. Project Office, either directly or upon request of a program office, shall request a Corrective Action Plan from a facility in any of the following instances: (a) in the case of death (when deemed appropriate or when requested by the Quality Assurance Monitoring Group/Independent Monitoring Unit) or serious injury to a class member; (b) in any instance in which there appears to be a pattern of abuse or neglect within a facility; (c) in any instance in which there appears to be inadequate supervision of staff within a facility; (d) in any other instances in which the Gary W. Project Office or a program office determines that such a Corrective Action Plan is necessary or desirable to protect class members.

E. The Gary W. Project Office may include certain minimum actions which must be included in the Corrective Action Plan. All Corrective Action Plans shall state what disciplinary action, if any, was taken relative to the incident.

F. All Corrective Action Plans shall be implemented within 15 days unless the Gary W. Project Office agrees to an extension of not more than 30 additional days.

G. Copies of the Corrective Action Plan shall be sent to those persons and entities listed in A. of this Section.

H. The secretary and appropriate program offices of DHH shall be responsible for ensuring that Corrective Action Plans have been implemented. The Gary W. Project Office shall be responsible for monitoring and tracking Corrective Action Plans and shall request documentation from the facility for this purpose. In addition, the Gary W. Project Office, through the casemanager, shall conduct at least two on-site inspections of the facility in the six-month period following the preparation of the Corrective Action Plan to ensure that the plan is being implemented. Deficiencies in the implementation of the plan shall be called to the attention of the facility administrator and corrected within 30 days. Verification of the corrections shall take place within 30 days thereafter by an on-site inspection by the casemanager. A Certification of Correction will be issued by the Gary W. Project Office upon verification of all corrections. Copies of the Certification of Corrections shall be sent to those persons and entities listed in A. of this Section.

I. Technical assistance in the development and implementation of Corrective Action Plans will be available to a facility at any time, upon request, through the Gary W. Project Office. In addition, a facility may be required to accept technical assistance as part of a Corrective Action Plan.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1317. Death

In addition to the other requirements of this policy, in the case of death of a class member, the casemanager will submit as soon as available to the Gary W. Project Office, the Quality Assurance Monitoring Group/Independent Monitoring Unit, and plaintiff's counsel, a summary, inclusive of the following:

- A. the incident report;
- B. a copy of the death certificate;
- C. the date and time of day parents/guardians were noti-

fied and how they were notified;

D. an autopsy report (if performed);

E. a copy of social summary inclusive of class member's legal status and placement history;

F. a copy of the investigation prepared or arranged by the Attorney General's office, as mandated by law. DHH shall request such an investigation; and

G. other information as may be requested by the external oversight committee or Quality Assurance Monitoring Group/Independent Monitoring Unit.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1319. Responsibilities of State Program Offices

The primary responsibility of a state program office (Office of Community Services; Office of Mental Health, Mental Retardation and Prevention and Recovery from Alcohol and Drug Abuse - Mental Health; Office of Mental Health, Mental Retardation and Prevention and Recovery from Alcohol and Drug Abuse - Mental Retardation; and the Office of Eligibility Determinations) relative to abuse/neglect is to provide assistance and information to the Gary W. Project Office and to casemanagers. Additional responsibilities include:

A. providing direction, information and technical assistance to providers and facility administrators as needed and directed;

B. serving as consultant to service providers on specific issues pertinent to enhancing services and eliminating and/or controlling problems, as directed;

C. serving as a consultant to the Gary W. Project Office with respect to requests for corrective action plans;

D. making recommendations to the secretary of DHH regarding sanctions and ensuring implementation of corrective action plans.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1321. Responsibilities of Gary W. Project Office

The primary responsibility of the Gary W. Project Office is to serve as the initial contact to facilities on incidents and abuse/neglect allegations. In addition to other responsibilities, the Gary W. Project Office will:

A. collect and analyze data generated by incident and abuse/neglect allegation reporting;

B. draw inferences from this data to make recommendations to enhance the delivery of services and to eliminate and/or control incidents and abuse/neglect allegations;

C. identify trends in incidents and/or allegations of abuse/neglect and recommend action if needed;

D. arrange the initial training on incident and abuse/neglect policy and procedures as needed and as directed;

E. provide facilities with updated information pertinent to abuse/neglect;

F. forward pertinent information to casemanagers, the state program offices, the Quality Assurance Monitoring Group/

Independent Monitoring Unit; the Investigative Unit; facilities, DHH's Executive Management and significant others deemed appropriate;

G. serve as liaison to the Quality Assurance Monitoring Group/Independent Monitoring Unit;

H. consult with the appropriate state program office regarding the need for and/or content of a corrective action plan in cases involving serious incidents of abuse/neglect or a pattern of abuse/neglect;

I. review the minutes and recommendations prepared by local oversight committees;

J. prepare a summary report every six months which includes the following information:

1. data related to the circumstances of allegations — when and where the allegation reportedly occurred, specific precipitating factors and repeated alleged victims or perpetrators;

2. timeframe within which investigations were reported, investigated, and reviewed for follow-up of recommendations;

3. whether allegations were found to be sustained;

4. the degree of employee/agency supervisory culpability;

5. type of discipline imposed and corrective actions;

6. narrative summation statements identifying trends and corresponding preventive/corrective actions;

7. regional and provider trends vis a vis abuse-neglect incidents.

The Gary W. Project Office has responsibility for determining the presence of multiple incidents for all class members on a monthly basis. If a class member is involved in a multiple incident, the Project Office shall immediately notify that class member's casemanager as well as plaintiffs' counsel and the Quality Assurance Monitoring Group/Independent Monitoring Unit and/or external oversight committee. The casemanager shall convene an interdisciplinary team meeting to review the cause of the incidents and to discuss any action which may be appropriate to reduce the risk of further incidents. Such actions may include technical assistance to the facility, a modification of the client's program or living arrangements or a change in placement. The casemanager shall ensure that any such needed actions are in fact implemented.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1323. External Oversight Committee

A. DHH will ensure the development and maintenance of an External Oversight Committee. The function of the committee is to review and monitor the entire system of abuse/neglect reporting, investigation and correction, and all issues associated with the operation of the DHH policy on reporting abuse, neglect, death and/or mistreatment of Gary W. class members.

B. In addition to the other reporting requirements established in this policy, the Gary W. Project Office will send the committee copies of its six-month summary reports. The committee will review these reports to determine compliance with state policies and procedures and to make recommendations for preventive/corrective action. The committee may recommend new policies, legislation or administrative rules to further reduce

the risk of abuse/neglect of class members. Recommendations prepared by the external oversight committee shall be sent to the secretary of DHH; the Gary W. Project Office; the state program office and plaintiffs' counsel.

C. DHH shall assure that the external oversight committee has access to technical expertise in the administration of programs for persons with developmental disabilities to carry out its responsibilities under this policy.

D. As long as the Office of the Special Master and/or the Quality Assurance Monitoring Group exists, it shall perform all the functions of the committee set out above. Upon the termination of the order relating to the Independent Monitoring Unit, the parties shall submit recommendations for an independent monitoring unit to the court and the court will select and appoint a unit to undertake these activities and serve as the external oversight committee.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1325. Sanctions

A. The provider will be subject to sanctions, penalties, or possible withdrawal of client for failure to comply with this policy or with requests issued by DHH pursuant to this policy. The severity of such action will depend on:

1. the nature of the violation (degree to which a class member's safety, well-being and care have been jeopardized);
2. the frequency of the violation;
3. the persistent failure to follow DHH/facility policy and procedure.

B. Penalties and/or sanctions include:

1. loss of funding
2. closure
3. cancellation of contract
4. criminal charges
5. fines up to \$1,000 a day.

C. The state program office and/or the Gary W. Project Office will recommend sanctions to the secretary of DHH as appropriate.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1327. Confidentiality

A. In accordance with R.S. 46:56 and 14:403, the identity of a reporter of an abuse/neglect allegation cannot be revealed.

B. All state and federal laws as well as DHH's policy on confidentiality apply to this policy.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1329. Training

Coordination of training for the policy shall be the responsibility of DHH.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1331. Provider Contracts/Agreements

All contracts/agreements between DHH and providers of day and residential services to classmembers shall state that the provider agrees to be bound by the terms and provisions of this policy.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

§1333. General

None of the above is intended to replace, modify or otherwise change existing office/departmental procedures regarding the investigation of deaths or allegations of abuse, neglect or mistreatment. This procedure is solely for the purpose of ensuring that Gary W. classmembers are protected from harm and are provided safe environments.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: .

David L. Ramsey
Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Feed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1891 - 1907, notice is hereby given that the Department of Agriculture and Forestry, Feed Commission, has approved the amendment of Section 10757 in the rules and regulations in regards to probationary status of registrants and sampling requirements necessary

to remove a company from probation. The amended changes are as follows:

Title 7
AGRICULTURE AND ANIMALS
Part XVII. Commercial Feeds

Chapter 107. Commercial Feeds

Subchapter D. Probation of Registrants

§10757. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commission whenever 25 percent of the official samples taken from a single registrant during one complete fiscal year are found to be deficient, provided that a minimum of six samples and at least two percent of the total tonnage sold for that fiscal year is sampled.

B. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commission took action to place the registrant on probation.

C. The commission may assess a civil penalty of not more than \$1,000 for any violation other than those found in Subsection A of Section 1900 in the Louisiana Feed Statutes. Each day on which a violation occurs shall be considered a separate offense.

D. The commission shall not waive any penalty imposed under the provisions of Chapter 14, Commercial Feeds.

E. 1. A registrant who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total tonnage of products offered for sale during the fiscal year of probation, or until probation is terminated by the commission.

2. In order to be removed from probation, a minimum of nine samples and three percent of the total tonnage sold must be taken and analyzed during the year of probation. The deficiency rate of samples taken must be less than 20 percent.

F. If a registrant continues to introduce products, of which the official samples' deficiency rate exceeds 20 percent, into the stream of commerce for one year, the registrant shall be summoned before the Feed Commission immediately after the end of the year of probationary status to determine whether registration shall be cancelled or renewal of registration shall be denied for cause.

G. The registrant shall be notified, in writing, by the commissioner when probationary status is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1900 and R.S. 3:1892.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Feed Commission, LR 11:228 (March 1985), amended LR 14: (June 1988).

Bob Odom
Commissioner

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.tt

The board adopted a revision to Standard 2.037.06 of Bulletin 741 to allow more than two grades in a combined group for elementary band, art, and music as follows:
Standard 2.037.06

Elementary teachers shall teach no more than two grades in a combined group except in band, music and art.

Em Tampke
Interim Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.00.73.e

The board adopted the following amendment to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*:
Page 10, Section 3 - Heater
Delete No. 4 . . . "A booster pump for heater water circulation must be installed on all diesel operated vehicles."

Em Tampke
Interim Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.05.01

The board adopted the Migrant Education State Plan for 1989.

Em Tampke
Interim Executive Director

RULE

Department of Environmental Quality
Office of Air Quality and Nuclear Energy
Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065B and 1084B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department

of Environmental Quality. Paul H. Templet, adopted the following:

1. Include certain changes to various sections of LAC 33:III in order to embody PM₁₀ particulate monitoring in the State Implementation Plan.
2. Adopt new source performance standards (NSPS) regulated by the EPA but not yet promulgated by Louisiana.
3. Adopt new test methods included with the NSPS mentioned in item 2 above. Also adopt certain test methods to be included with the NSPS regulations already promulgated.
4. Amend certain NSPS regulations already adopted.

The secretary initiated rulemaking procedures to adopt this rule on June 20, 1988. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committee on Natural Resources.

Persons requesting copies and/or further information concerning the rule may contact Gus Von Bodungen, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, Louisiana 70804.

Paul H. Templet
Secretary

RULE

Division of Administration Office of Risk Management

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management adopted the following rules:

Title 37 INSURANCE

Part I. Risk Management

Subpart 2. Insurance and Related Matters Chapter 32. Risk Analysis and Loss Prevention §3201. Risk Analysis and Loss Prevention

A. R.S. 39:1543(1)(C) requires the development of a comprehensive loss prevention program for implementation by all state agencies, including basic guidelines and standards of measurement.

B. In order to fully comply with this statute a comprehensive loss prevention plan has been developed and the following are to be implemented by every state department, agency, board or commission that employs 15 or more employees.

1. Management Policy Statement - An expression of management, philosophies and goals toward safety.
2. Responsibility for Safety in an Organization - A written document to clearly define supervisory responsibilities at all levels.
3. Inspections Program - A program to maintain a safe work environment and control unsafe acts.
4. Job Safety Analysis - A procedure to be used to review job methods and hazards that relate to the work environment. The job safety analysis should be performed on all tasks or proc-

esses that have a higher than normal rate of producing bodily injury or property damage.

5. Investigation Program - A program to thoroughly investigate and identify as soon as possible the actual causes and contributing factors of losses in an attempt to prevent recurrences.

6. Safety Meetings - Meetings to be conducted by supervisors with employees on a quarterly basis unless otherwise specified by ORM to educate, inform, motivate and examine work practices for potentially unsafe acts that could produce bodily injury and provide a method to preclude recurrences.

7. Safety Rules - General instructions developed by agencies regarding the employees' responsibilities.

8. Employee Training - Training to establish a systematic method of training employees to perform the required tasks in a safe and efficient manner and to insure all employees receive periodic refresher training.

9. Record Keeping - Records to establish a procedure for the uniform development and maintenance of loss prevention and control documents to be retained for one year. This will include inspection reports, accident investigation reports, minutes of safety meetings, training records, boiler and machinery maintenance records.

10. First Aid - Adoption of a first aid program which will provide a trained first aid person at each job site and shift. This policy covers all facilities and crews.

11. Housekeeping Program - Program to provide a method for systematically inspecting and eliminating safety and fire hazards that result from uncontrolled sources. To establish clearly defined areas of responsibility for orderliness and cleanliness through each state-owned or operated grounds and facilities.

12. Hazard Control Program - Program to establish a systematic method of recognizing, evaluating, and controlling hazards, prior to them producing injury, illness, or property damage.

13. Boiler and Machinery Program - Written Loss Prevention maintenance program to include but not limited to, a history of each piece of equipment, designate responsibility, schedule of when maintenance is to be performed, list of equipment to be maintained, how maintenance is to be performed.

14. Driver Safety Program - Program to provide a systematic method of screening, training and accountability for employees and supervisors required to assign or drive state-owned vehicles or personal vehicles in the course and scope of their employment.

15. Water Vessel Operator Safety Program - Program to provide a systematic method of screening, training and accountability for employees and supervisors required to assign or operate state-owned water vessels in the scope of their employment.

16. Any other loss prevention program developed by the Office of Risk Management, Bureau of Risk Analysis and Loss Prevention in conjunction with the Interagency Advisory Council for the prevention and reduction in accident events that may cause injury, illness, or property damage.

C. The minimum requirements are in no way intended to require revisions of existing safety plans which meet or exceed these minimum requirements. However, these existing plans are to be submitted to the Bureau of Risk Analysis and Loss Prevention for review and acceptance.

D. The Bureau of Risk Analysis and Loss Prevention will

audit each department, agency, board or commission to insure compliance of the development, implementation, and adherence to the program. Audits will be conducted once a year or more often upon written request of the department, agency, board or commission. The deadline for certification will be June 30 of each year for insurance premiums for the following fiscal year. If an agency, board or commission is determined to be in compliance, the bureau will issue a certificate of compliance which will result in a five percent credit in the calculation of premiums. Such compliance will be certified by major risk groups as follows:

- a. Workers Compensation - Regular
- b. Workers Compensation - Maritime
- c. General Liability
- d. Auto Liability and Auto Physical Damage
- e. Property and Inland Marine
- f. Boiler and Machinery
- g. Bond and Crime Risk
- h. Aviation
- i. Marine

J. Douglas Higley
Director

RULE

Office of the Governor Office of Minority Business Enterprise

Effective upon publication, the Governor's Office of Minority Business Enterprise amends LAC 19:III.505 relative to certification procedures as follows.

Title 19

CORPORATIONS AND BUSINESS

Part III. Minority Business Enterprises

Chapter 5. Certification Procedures

§505. Completion of Certification Application

A. Vendors must complete all portions of the certification materials and return them as specified in the following Subsections, in order to be considered for certification under the minority set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from minority vendors interested in providing goods, services or supplies under R.S. 39:1551-1755:

1. Certification Resumé (Form #DA 3302: Revised 4/85) which must be completed and returned to the State Central Purchasing Section of the Division of Administration at Box 94095, Baton Rouge, LA 70804-9095. The following attachments must accompany the Certification Resumé when it is submitted:

a. Legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements, financial statements of the company which indicate the ownership of major assets as well as the principle stockholders in the corporation, company balance sheets prepared by a CPA, income (business and personal) tax statements for the past three years, Louisiana, state, and city licenses (whichever applicable), resumé of corporate shareholders and employees, organizational chart, equipment - ownership and rental certificates, supplier contract and relationship between distributor and prime contrac-

tor, any additional legal documents that would reflect ownership and control).

b. Birth certificates must be provided for all minority vendors for which certification is being sought, regardless of type of business structure.

c. All information requested on the Certification Resumé must be supplied, and the document itself must be notarized as indicated prior to submittal.

2. Bidders Application (Form #DA 3327/FACS Form 722; Revised 3/83), which is to be completed by the vendor and returned to the State Central Purchasing Section of the Division of Administration along with the Certification Resumé.

Misrepresentation of any of the information submitted is in violation of Act 713.

C. For minority vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2137, the following documents plus specified attachments shall constitute the required certification materials:

1. Certification Resumé (Form #DA 3302: Revised 4/85) plus attachments as specified in §505.B.1.a-c above.

2. A listing, on company letterhead, of the subject areas of expertise of the vendor company, to include resumé of key personnel, plus a list describing previous work done in each subject area with sufficient identification of the client and a contact person (name, title, business address, telephone number) for each client listed, such that references might be obtained.

3. All of the above materials must be submitted directly to the Office of Minority Business Enterprise for certification of these types of vendors.

D. The Louisiana Department of Transportation and Development will continue to certify in accordance with its own procedures, minority-owned business contractors who wish to perform work under Chapter 1 of Title 48. The Office of Minority Business Enterprise will accept such certifications as equivalent to its own.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1951-1969 and R.S. 39:1981-1991.

Angelisa M. Harris
Executive Director

RULE

Department of Health and Hospitals Board of Medical Examiners

The Louisiana State Board of Medical Examiners (board), under the authority vested in the board by R.S. 37:1270(B)(6) and R.S. 37:3001-14, pursuant to notice of intent previously published in the *Louisiana Register*, 14 La. Reg. 167-68 (Mar. 20, 1988), and in accordance with the applicable provisions of the Administrative Procedure Act, has adopted the following amendments to its rules governing the degree and level of supervision required for an occupational therapist holding a temporary permit pending examination or reexamination.

1. Paragraph B of §1939 Part XLV of Title 46 of the

Louisiana Administrative Code is amended so that, as amended, said Paragraph shall provide as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Profession**

§1939. License Pending Examination

* * *

B. An occupational therapist or occupational therapy assistant holding a temporary license issued under this Section may practice occupational therapy only under the direction of an occupational therapist licensed by the board, who shall provide such on premises, close supervision of and instruction to the temporary license holder as is adequate to ensure the safety and welfare of patients. The direction and supervision required with respect to an occupational therapist (but not an occupational therapy assistant) holding a temporary license under this Section shall be deemed to be satisfied by on-premises direction and immediate supervision by a licensed occupational therapist for not less than two hours each week.

* * *

2. Paragraph B of §1941 of Part XLV of Title 46 of the Louisiana Administrative Code is amended so that, as amended, said Paragraph shall provide as follows:

§1941. License Pending Reexamination

* * *

B. An occupational therapist or occupational therapy assistant holding a temporary license issued under this Section may practice occupational therapy only under the direction of an occupational therapist license by the board, who shall provide such on premises, close supervision of and instruction to the temporary license holder as is adequate to ensure the safety and welfare of patients. The direction and supervision required with respect to an occupational therapist (but not an occupational therapy assistant) holding a temporary license under this Section shall be deemed to be satisfied by on-premises direction and immediate supervision by a licensed occupational therapist for not less than two hours each week.

* * *

Delmar Rorison
Executive Director

RULE

**Department of Health and Hospitals
Office of Community Services
Division of Rehabilitation Services**

Effective June 20, 1988, the Department of Health and Hospitals, Office of Community Services, Division of Rehabilitation Services, has amended its state plan and implemented as policy an order of selection to serve the severely disabled as required of state agencies by the Rehabilitation Act of 1973. An emergency rule implementing the order of selection was published in the March 20, 1988, issue of the *Louisiana Register*.

In accordance with the *Federal Register*, January 19, 1981, Section 361.36, the following is the order of selection for services under the Division of Rehabilitation Services. In order to

assure services to the severely disabled, this agency will only be able to serve clients whose disability falls into Group I of the following three groups. Should funding become available, consideration will be given for services to clients in Groups II and III.

Selection Group I

Severely disabled individuals defined by RSA Disability Codes and Functional Limitations Guidelines contained in the RSA-IM-86-33 which is available for review at all Division of Rehabilitation Services district offices.

Selection Group II

Disabled public safety officers whose handicapping condition arose from a disability sustained in the line of duty while performing as public safety officer and the immediate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

Selection Group III

Individuals with non-severe handicaps who do not meet the criteria for severely disabled individuals to include:

- A. civil service employees of the U.S. Government who are disabled in the line of duty;
- B. handicapped native American Indians;
- C. all other non-severely disabled persons described in the January 19, 1981 issue of the *Federal Register*, Section 361.36, 361.37, and 361.38 which is available for review at all Division of Rehabilitation Services district offices.

The Louisiana Department of Health and Hospitals has conducted public hearings on this change in May, 1988, in four major metropolitan areas of the state.

Brenda L. Kelley
Deputy Assistant Secretary

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 4, dated April 20, 1988.

Effective for cost reporting periods beginning on or after July 1, 1988, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units (NICU/PICU/Burn/Transplant) shall not be applied. Limitations remain the same as that for fiscal year beginning July 1, 1987.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 4, dated April 20, 1988.

SNF and ICF facilities participating in Title XIX reimbursement shall utilize pharmacists licensed to practice in the state of Louisiana to perform monthly drug regimen reviews. Such pharmacists shall not be subject to any prohibition from participation in Title XIX reimbursement by the state or federal Title XIX agencies.

David L. Ramsey
Secretary

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

In accordance with the notice of intent published in the March 1988 *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the adoption of changes of LAC 46:XLIX, Chapter 13, §1303 effective June 20, 1988:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLIX. Nursing Home Administrators

Chapter 13. Complaints and Hearing Procedures

§1303. Hearing Procedures

A. The board, or any person or persons appointed by it for the said purpose, may hold a preliminary hearing within 90 days of receipt of the written signed complaint or shall hold a formal hearing. The board shall receive the preliminary and/or formal hearing report at the following regularly scheduled or special meeting.

B. ...

C. If the board decides that the charges shall be heard, the board or any committee or member thereof or any hearing officer designated by the board shall determine the charges and set a time and place for a formal hearing to take place within 60 days.

Winborn E. Davis
Executive Director

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

In accordance with the notice of intent published in the March 1988 *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the adoption of §1102, Chapter 11, LAC 46:XLIX, effective June 20, 1988:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLIX. Nursing Home Administrators

Chapter 11. Licenses

§1102. Emergency License

A. The board may issue a provisional license on an emergency basis when the state agency responsible for licensing nursing homes certifies to the need. Applicants for a provisional license need not be fully qualified for a regular license but they must be knowledgeable of the operations of a nursing home as determined by an oral review conducted by a board member or the executive director of the board.

1. Applicants shall complete application forms provided by the board and shall pay a fee of \$100.

B. The emergency license shall not exceed a period of three months. At the end of each month the state agency licensing nursing homes shall certify to the board the need to continue the license at the end of the first month and of the second month when indicated.

C. An applicant issued a provisional license under provisions of this Chapter shall represent himself as an "emergency administrator" in all actions and on all documents he is required to sign in his role as head of the nursing home.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2502.

HISTORICAL NOTE: Adopted by the DHR, Board of Examiners for Nursing Home Administrators, LR 14: (June 1988)

Winborn E. Davis
Executive Director

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

In accordance with the notice of intent published in the March 1988 *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the adoption of changes of LAC 46:XLIX, Chapter 5, §505 effective June 20, 1988:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLIX. Nursing Home Administrators

Chapter 5. Examinations

§505. Application for Examination

A....

1....

2....

3. An applicant who withdraws his application for licensing after it is processed and ready for submission to the board for consideration shall be entitled to a refund of one-half of the original application fee.

Winborn E. Davis
Executive Director

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

In accordance with the notice of intent published in the March 1988 *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the amendment of LAC 46:XLIX, Chapter 11, effective June 20, 1988:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLIX. Nursing Home Administrators**

Chapter 11. Licenses

§1103. Registration of Licenses

A.1....

2. No license, re-registration certificate or licensee card may be copied for any purpose. An administrator in charge of two nursing homes must purchase Copy Number Two of his certificate from the board.

a. Charges for replacement and/or second copies shall be:

- i. permanent license \$25;
- ii. re-registration certificate \$5;
- iii. licensee card \$3.

B.1....

2. A licensed nursing home administrator who is 65 years of age or older, is truly retired or no longer practicing may place his license in an inactive status. He shall continue to re-register his license biennially but is exempt from continuing education requirements. Should he wish to reactivate his license he must take 30 hours of continuing education designated by the board.

Winborn E. Davis
Executive Director

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 4, dated April 20, 1988.

State FLA-D Payments shall not be provided by the Medical Assistance Program. The personal care needs allowance for Medicaid recipients in skilled and ICF facilities shall be set at the minimal amount mandated by federal regulations.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 4, dated April 20, 1988.

The Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I, and ICF/II reimbursement methodology shall be set at zero for the fiscal year beginning July 1, 1988 and ending June 30, 1989.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 4, dated April 20, 1988.

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

1. Metaproterenol Sulfate		650 mcg/ml
2. Hydrochlorothiazide/Triameterine	25/50	
3. Nitroglycerine Adh.	Patch	2.5mg
4. Nitroglycerine Adh.	Patch	5mg
5. Nitroglycerine Adh.	Patch	7.5mg
6. Nitroglycerine Adh.	Patch	10mg
7. Nitroglycerine Adh.	Patch	15mg

David L. Ramsey
Secretary

RULE

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

The Louisiana Department of Health and Hospitals (DHH, formerly DHHR) has adopted a rule to administer block grant federal funding for FY 1988/89 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. DHH will continue to administer programs funded under the block grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The block grant and the DHH offices responsible for program administration are as follows:

- 1. Alcohol and Drug Abuse and Mental Health Services - Office of Mental Health (OMH) and Office of Prevention and Recovery from Alcohol and Drug Abuse (OPRADA).
- 2. Maternal and Child Health Services - Office of Public Health (OPH).
- 3. Preventive Health Services - Office of Public Health (OPH)
- 4. Title XX Social Services - Office of Community Services (OCS).
- 5. Low-Income Home Energy Assistance - Office of Community Services (OCS).

A copy of each application may be obtained by writing directly to the DHH Office responsible for administration. Copies of the entire block grant applications may be viewed at the Office of the State Register, 1500 Riverside North, Baton Rouge, LA 70804.

David L. Ramsey
Secretary

RULE

Department of Justice Office of the Attorney General

The Department of Justice, Office of the Attorney General, adopts the following rules to implement the Electronic Video Bingo Machine Law. R.S. 33:4861.17. Pursuant to Act 671 of 1985.

TITLE 7

Corrections, Criminal Justice and Law Enforcement

Part VII: Department of Justice

Chapter 1. Electronic Video Bingo

§101. Statement of Department Policy

The public health, safety and welfare is the primary consideration in promulgating electronic video bingo machine rules and shall continue to be the primary consideration in their application and enforcement.

§103. Definitions and Terms

A. As used throughout this Chapter, the following definitions apply:

Accounting ticket means an electronic readout which will give the following information on a printed ticket: (a) the serial number of the machine; (b) the time of day that ticket was printed in hours and minutes in a 24-hour format; (c) the date on which the ticket was printed; (d) coins in; (e) credits played; (f) credits won; (g) credits paid.

Act means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 et seq., including all amendments thereto that may hereafter be enacted including Acts 671, 823, 373 and 989 of 1985.

Applicant means any person who has applied for or is about to apply for registration as a manufacturer, distributor or supplier or for a permit stamp for an electronic video bingo machine.

Audit copies means an exact copy of each printed ticket voucher, said copy to be printed and retained until submitted in conjunction with reporting requirements.

Bingo means the game of chance commonly known as bingo played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered are drawn from a receptacle and the game being won by a person who first covers a previously designated arrangement of numbers on such a card.

Charitable organization means a non-profit veterans, eleemosynary, benevolent, education, religious, fraternal or civil and service association or corporation domiciled in this state. Any such organization or corporation shall have qualified with the United States Revenue Service for an exemption from federal income tax under Section 501(c)(3), (4), (7), (8), (10), or

(19) of the Internal Revenue Code.

Commercial lessor means any person or other entity, except a non-profit organization who holds a bingo license, who leases any building, structure or premises to holders of bingo licenses.

Commercial lessor's location means a building, structure or premises leased to non-profit organizations who hold bingo licenses at said location.

Cost of each game means the amount charged for each game played on the machine; said amount shall not be less than one quarter nor more than four quarters.

Department means the Louisiana Department of Justice, Office of the Attorney General, and shall include the Electronic Video Panel of the Department of Justice.

Distributor means a person or business entity who owns and leases electronic video bingo machines to a charitable organization in this state.

Electronic video bingo means a machine designed for the specific purpose of playing the game of bingo as described above except that an electronic random number generator may be utilized to select numbers in lieu of the drawing of numbers from a receptacle and that one or more video images containing numbers or other designations five or more in one line may be utilized instead of a card.

Gross revenues means total coins played into a permitted machine without regard for expenses or payouts.

Law means the Electronic Video Bingo Machine Law, R.S. 33:4861.17 including all amendments thereto that may hereafter be enacted.

Lease agreement means that agreement entered into between the holder of a bingo license and the Electronic Video Bingo permittee; said agreement shall indicate that at least 45 percent of the net win from a machine must be paid to the licensee.

Manufacturer means a person or business entity who manufactures for sale electronic video bingo machines in this state.

Maximum prize means not more than \$1,000 cash.

Net win means the sum obtained by subtracting total coins in minus total amount paid out on ticket vouchers tendered for cash money.

Net proceeds fee means the amount paid by the permittee to the department monthly on the total net revenues generated by each machine.

Net revenue means the sum obtained by subtracting total coins in minus total amount paid out as ticket vouchers tendered for cash money.

Non-commercial lessor means any non-profit organization who holds a bingo license and who leases any building, structure or premises to other holders of bingo licenses.

Non-commercial location means a building, structure or premises owned or occupied by a non-profit organization who holds a bingo license; the principal activities at the location shall be the meeting of members and the conducting of affairs of the non-profit organization.

Payout means the number of credits won by the players, whether used to play additional games or collected on a ticket voucher in proportion to the amount of cash and credit wagered; said payout shall not be less than 80 percent nor more than 90 percent of the amount of cash and credits wagered.

Permit stamp means an exterior decal issued by the de-

partment which authorizes a specific machine to be operated as an electronic video bingo machine.

Permittee means a manufacturer, distributor or charitable organization who owns electronic video bingo machine(s) and operates those permitted machines in accord with these rules and regulations.

Person means an individual, partnership, joint venture, or corporation doing business in this state.

Rules means these regulations.

Seal A means the seal placed on PROMs of the logic board of all electronic video bingo machines.

Seal B means the seal placed on hard meter counter of all electronic video bingo machines.

Ticket voucher means a printed ticket which is tendered to the player at the completion of game play if there are any remaining credits on the game. These ticket vouchers are redeemable for cash money.

§105. Registration of Manufacturers, Distributors or Owners of Electronic Video Bingo Machines

A. Any person desiring to own, sell or distribute electronic video bingo machines in this state shall:

1. be issued and maintain all required federal, state, parish, and municipal licenses;

2. apply to the department on forms prescribed by the department for registration and pay to the department a non-refundable \$2,000 registration fee. Said fee is payable on initial application and will be used by the department to cover the cost of processing the application, and any other costs associated with the administration of these rules. If the cost of a background check of the applicant and his business exceeds \$2,000, the applicant will be given notice of these anticipated additional costs prior to the expenditure by the department;

3. apply to the department on forms prescribed 90 days prior to the end of the registration year (June 30) for a renewal of registration. Said application for renewal shall be accompanied by a \$500 nonrefundable fee; which shall be used by the department to cover the cost of the renewal application, including background checks and other costs associated with the administration of these rules;

4. furnish to the department monthly reports identifying the quantities, models, manufacturers, owners, and distributors of machines, and such other information the department may determine necessary to regulate and control electronic video bingo machines in accordance with the Act and these rules; and

5. meet the suitability and business relationship criteria of Section 107.

B. No manufacturer or distributor except one who is a licensed charity shall be registered who holds a permit or who is directly involved with the operating or the assisting in the operation of any other game of chance permitted under the Act or who is involved directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or service in connection with such game or games.

C. No manufacturer or distributor shall ship electronic video machines into this state until his application for registration is granted by the department.

D. Registration may be suspended or revoked by the department upon the department's determination, after notice and opportunity for hearing, that the registrant has not complied with the conditions or registration.

§107. Permitting Process

A. Eligibility

Permit stamps for electronic video bingo shall only be issued to:

1. a charitable organization doing business in those parishes or incorporated municipalities where an ordinance has been adopted allowing gaming by means of electronic video bingo; or

2. a manufacturer or distributor of electronic video bingo machines who is registered under these rules and who leases or rents such machines only to charitable organizations in parishes or incorporated municipalities where an ordinance has been adopted allowing gaming by means of electronic video bingo.

B. Application for Permit Stamp

1. An application to permit an electronic video bingo machine must be submitted to the Electronic Video Bingo Panel of the department upon forms prescribed by the department. The application is not complete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

2. A separate application must be completed for each machine.

3. A nonrefundable fee in the amount of \$250 to cover the cost of the permit stamp and the processing of the application must accompany each application.

4. A machine permitted under these rules must comply with all requirements and specifications of the Act and these rules.

C. Issuance of Permit Stamp

1. Upon approval of an application, the department shall issue a permit, stamp, a logic board seal, (*Seal A*) and a hard meter seal, (*Seal B*).

2. The permit stamp and seals will be affixed to the machine by the department's representatives. The permit stamp must be affixed to the exterior machine cabinet so that the stamp is visible and easily read. The machine may not abut another machine, wall or other obstruction which would obscure a person's ability to see and read the permit stamp.

3. The permit stamp and seals must be affixed to a machine before the machine is placed in service.

4. The permit stamp and seals must be affixed to the machine for which they were applied and are not transferable to any other machine.

5. A violation of the aforementioned provisions may result in a civil violation and fee and possible revocation of license in accordance with these regulations.

D. Permit Stamp not Transferable

1. A permit stamp for an electronic video bingo machine is only valid for the applicant and the premises identified on the permit application.

2. A permit stamp is further restricted to the particular machine approved by the department and identified on the permit application.

3. A permit stamp issued pursuant to the Act and these rules is a privilege and not personal property.

4. A machine may not be moved from the location named in the permit application and placed in service at another location unless application is made for an electronic video bingo machine permit at the new location, the machine is inspected, the fee is paid and a new permit stamp is issued. A new permit stamp is required even if a machine has a current unexpired

permit stamp for the former location.

E. Expiration or Renewal of Permit

1. All permits expire at midnight June 30, each year.
2. An application for permit renewal and the nonrefundable permit fee must be submitted to the Electronic Video Bingo Panel of the department on forms prescribed by the department 90 days prior to June 30, the expiration date of all permits. All fees must be paid, a new permit issued, and seals issued and affixed to the machine before a previously permitted machine may be operated after midnight of June 30.

3. The department will consider the same criteria for renewal of permits as for the original issuance of permits. Failure to satisfy permit criteria contained in the Act and these rules may result in denial of renewal of a permit.

§109. Machine, Hardware and Software Specifications

A. General Specifications

Detailed specifications for electronic video bingo machines are required by the department. Such specifications are required to ensure the legal operation and integrity of each machine and provide the department with methods to monitor machines.

B. Hardware Specifications

An electronic video bingo machine must include the following hardware specifications:

1. All electrical and mechanical parts and design principles shall follow acceptable codes and standards in both design and manufacture.

2. An electronic video bingo machine shall be designed to ensure that the player will not be subjected to any unreasonable physical, electrical, or mechanical hazards.

3. A machine shall be equipped with a surge protector that will feed all a.c. electrical current to the machine and a battery backup power supply to maintain the accuracy of all electronic meters displaying information required by the Act and these rules during power fluctuations and loss. The battery must be in a state of charge during normal operation of the machine.

4. The design of a machine shall ensure there are no readily accessible game function-related points which would allow any input and that there is no access to input or output circuits unless it is necessary for the proper operation of the machine.

5. The non-resettable mechanical meters required must meet the following specifications:

a. either the meters must be located so they can be viewed and read externally from the front of the machine or the keys to the cash area must be immediately available at the permitted premises;

b. the meters shall be situated in a left to right or top to bottom configuration according to function and visibly labeled as follows:

- i. coins in;
- ii. credits played;
- iii. credits won;
- iv. credits paid, and

c. the mechanical meters shall be manufactured in such a way as to prevent access to the internal parts of the meter.

6. The department may require and provide a valid identification sticker to be attached to the mechanical meters to verify the meters are assigned to a specific permitted machine.

7. A machine must have a separate and locked area for the logic board and software. The department must be allowed

immediate access to this locked area upon request. Permittee must notify the department if access to this area becomes necessary and make application for authorization to access area on forms prescribed by the department. Seals may be broken only in the presence of department personnel after having made application for and receiving authorization.

8. The ticket printing mechanism must be located in the locked logic area to ensure the safekeeping of the audit copy. The printing mechanism must produce a printed original and duplicate that will remain legible throughout the retention period required by these rules.

9. The logic and printer interface boards shall be mounted within the logic area so they are not visible upon operating the logic area door.

10. A machine must have a non-removable identification device attached externally to the machine which shall include the following information about the machine:

- a. manufacturer;
- b. serial number;
- c. model or make; and
- d. any other information required by the department.

11. The logic board must have a unique serial number that may be used to identify the board for approval and inspection purposes. The serial number shall be in 10-symbol configuration. The first four symbols shall identify the manufacturer and the last six symbols shall identify the board.

12. The electronic meters shall be able to maintain totals no less than eight digits in length.

13. Printing of all totals from the electronic meters shall occur automatically, by means of a switch attached to either the door or the lock for the door, each time access to either the logic compartment or the cash area occurs.

14. Any necessary resetting of electronic meters shall be done only after requesting authorization by the department. Seals may be broken only in the presence of department personnel after having made application for and receiving authorization.

15. The face of each machine shall be clearly labeled so as to inform the public that no one under age 18 years is allowed to play.

16. The printer mechanism shall have a paper sensing device that will prevent play if there is insufficient paper to print a ticket for a customer or an audit ticket. Upon setting a "paper low" or "paper out" condition the machine must display a message to that effect on the monitor.

17. The machine printer shall print a ticket voucher to the player at the completion of game play if there are any remaining credits on the game. The information printed on the ticket shall consist of the following:

- a. the serial number of the machine;
- b. the time of day that the ticket was printed in hours and minutes in a 24-hour format; and
- c. the date on which the ticket was printed;
- d. all of the electronic meter readings as described in this rule in §109. B.5.

C. Software Specifications

A machine is required to possess software specifications that enable it to play the game of electronic video bingo with operation set forth by the Act. The software logic must have the following characteristics:

1. The logic of the program must not interfere in any way

with expected random play.

2. The random number selection process shall conform to an acceptable random order of occurrence and uniformity of distribution.

D. Modifications

1. All hardware and software modifications made to a permitted electronic video bingo machine must be submitted to the department for approval prior to installation.

E. Restrictions on Optional Game Format or Features

1. A machine shall only offer the game of electronic video bingo as provided by the Act and these rules and shall not offer any other game or variant which will award free games or credits which deviate from the award of games or credits for games of bingo.

2. The department shall determine what optional features may be allowed and such features must be approved by the department prior to inclusion in a machine's game format.

F. Prohibited Machines

1. Any machine including amusement machines which in substance simulates the game of bingo without conforming to the requirements of the Act and is placed in service for play by the public is prohibited. The machine is subject to immediate seizure and destruction in accordance with the provisions of LSA 15:31.

2. Any person who owns or operates or possesses a machine described in Subsection F.1 is in violation of the Act, and these rules.

G. Possession of Electronic Video Bingo Machines

A manufacturer, distributor, owner, or repair service may possess or own electronic video bingo machines, logic boards, meters, and machine components which conform to the statutory requirements and rules relating to electronic video machines. Such machines possessed or owned may not be operated except when inspected, permitted, and placed on a permittee's premises.

§111. Operation of Machines

A. Time Location and Duration of Play

1. Electronic video bingo machines shall be available in any location licensed for charitable bingo and played in the following manner:

a. At commercial locations the machines shall be played only during the times when call bingo is played.

b. At non-commercial locations the machines may be played by the general public when call bingo is played.

c. At non-commercial locations the machines may also be played by the membership of the organization and the general public at times other than called bingo, not to exceed the total number of sessions for bingo authorized by local jurisdiction.

2. A violation of the aforementioned provisions result in a civil violation and fine and possible revocation of license in accordance with these rules.

§113. Fees

A. Registration and Associated Fees

1. A nonrefundable fee of \$2,000 shall be paid by a manufacturer, distributor or owner of electronic video bingo machines to the department to cover the cost of processing the application and any other costs associated with the administration of these rules.

2. Upon notice an applicant shall pay to the department any additional costs incurred by the department in doing background checks necessary for registration processing.

3. An applicant shall pay to the department a nonrefundable fee of \$500 to cover the costs of the renewal application, continuing background checks and other associated costs.

B. Independent Testing

1. The permittee shall be required to furnish a logic board of the model machine to be permitted.

2. The permittee shall agree to pay to the department all costs associated with testing in order for the department to have the machine tested by an independent testing laboratory. Said laboratory will use established uniform testing criteria on each machine tested.

3. Testing laboratory fees must be paid by the permittee prior to the issuance of permit fee and seals.

C. Permit Stamp Fee

1. A nonrefundable fee of \$250 shall be paid by the permittee to the department to cover the cost of the permit stamp and the cost of the application for each machine.

2. This nonrefundable fee must be submitted 90 days prior to June 30 of each year.

D. Net Proceeds Fee

A fee of 5 percent shall be paid to the department by the permittee monthly on the total net revenues generated by each permitted.

§115. Reporting and Record Requirements

A. Reporting Requirements

1. For each machine the permittee must file with the department a monthly video bingo machine report signed by the permittee. The forms for said reporting will be prescribed by the department. The report will be used to verify the winning percentage of the machine and to assess a 5 percent fee on the net revenue of each machine. The following requirements apply:

a. the report must be delivered and the fee paid to the department Electronic Video Bingo Panel at the Office of the Attorney General, Box 94005, Capitol Station, Baton Rouge, Louisiana 70804-9005 or postmarked no later than midnight of the tenth day of the month following the reporting month. A reporting month for these purposes shall be considered the first day of the month through the last day of the month.

b. permittee shall include with the report the audit tape covering the weeks reported.

c. the report is due on each machine after it has been permitted regardless of whether the machine was in use during a subsequent month of the permit year.

3. If a permittee leases, rents, or shares machine ownership or a machine's revenues with another person or business entity, the permittee must provide upon the same form prescribed by the department, in Paragraph 1 above, monthly information for each machine as follows:

a. full identification including name, address and social security number (or federal identification number) of all persons or business entities involved in the above-mentioned business relationship;

b. percentage of participation in machine income by each person or business entity involved in the above-mentioned business relationship;

c. specific machine income paid to or received by each person or business entity involved in the above-mentioned business relationship.

4. A violation of the aforementioned provisions may result in a civil violation and fee and possible revocation of license in accord with these rules.

B. Records Retention Requirements

1. Records requirements are as follows:

a. Machine operation records must be maintained and made available for inspection by the department upon request. The records must provide all necessary information the department may require to insure operation of machines in compliance with the law.

b. The records must include, but are not limited to, the accounting ticket and corresponding permittee records containing the performance synopsis of the machine.

c. The permittee records required by this rule must be maintained in the state of Louisiana by the permittee for a minimum of three years.

C. Dissemination of Information

1. Certain information collected by the department is known to contain confidential information. The information in Subsection C.2 is confidential and may not be revealed by the department except under order of a court of competent jurisdiction.

2. Information designated as confidential includes, but is not limited to, the following:

a. technical manuals, instructions, wiring, or logic diagrams for the machine;

b. listings of source codes and flow charts;

c. results of simulations and related information explaining simulation methodology;

d. model PROMs or logic boards containing compiled programs.

3. Information relating to the results of actual operations as shown on a machine's meter is not confidential and may be used to compile studies or reports.

4. Persons with access to confidential information as described in Subsection C.2 may not use or reveal anything of a confidential nature outside the scope of its intended purpose.

5. The department shall secure confidential information and restrict all persons from access, except designated employees whose duties include testing and interpretation of the information. Such information is not public record and may not be released to any member of the public.

D. Software Information

1. A permittee may be required to provide information to the department necessary to ensure the machine's software and logic are in compliance with the Act and these rules. The information may be provided directly by the permittee, the distributor or the manufacturer of the machine. The information shall include, but not be limited to:

a. all technical manuals, instructions, wiring and logic diagrams for the machine;

b. all microprocessor manuals;

c. all source listings, including programmer's comments, and flow charts for the electronic video bingo programs, character sets, including those that may reside on the printer interface board;

d. a hexadecimal dump of all compiled programs;

e. model PROMs containing compiled electronic video bingo character sets, including those that may reside on the printer interface board;

f. access to a compiler for the programming language used if the department is unable to compile the program with the equipment it has available;

g. the algorithm for the random number generator along

with a written description;

h. a photo or drawing of the display which shows all setups, test modes with detailed written descriptions and instructions;

i. a listing of the paycheck values and the probabilities of the outcome of cards for the program logic used;

j. the schedule of proposed payout odds and overall pay-back percentage;

k. tabulated results of five separate simulations of not less than 200,000 games using the bingo program;

l. instructions on the means, including assumptions made, by which the simulations in Subparagraph k were created so the department can verify the simulation results; and

m. a description of the methods of all testing criteria if performed and the results of the tests for the following:

i. random number generator;

ii. electromechanical interference;

iii. radio frequency interference;

iv. FCC standards;

v. A.C. line noise;

vi. static electricity; and

vii. extreme temperature conditions.

§117. Enforcement and Regulation

A. Applicant Suitability and Business Relationships

1. The department may deny an application or revoke, suspend, restrict, or limit a permit or approval of a machine when it finds that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

a. general character, including honesty and integrity;

b. financial security and stability, competency, and business experience in the capacity of the relationship;

c. records, if any, of violations which may affect the legal and proper operation of a machine including a violation affecting another permittee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;

d. refusal to provide access to records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare.

B. Approval of Machines

1. The department may conditionally approve and maintain a list of specific models of machines based on its finding that the machines conform to the Act and these rules.

a. Final approval of each machine is required even if a machine has been conditionally approved.

b. Conditional or final approval may be withdrawn by the department subsequent to finding that a machine does not conform to specifications and testing standards established by the department, including new or revised requirements of the Act and these rules.

2. The department may allow shipment of a machine for the purpose of providing conditional approval of that particular make or model provided the following conditions are met:

a. the department will not be responsible for any purchase, shipping, or handling charges;

b. all the information required by these rules must accom-

pany the machine; and

c. prior to shipment, the department has approved such shipment of a machine for scheduled testing and approval.

3. New rules may be adopted which redefine or set forth new specifications that previously approved machines do not comply with. In such cases, and only in such cases, the department will allow a specified time for a permittee to bring a machine into compliance with a new or modified specification.

C. Machine Repair

1. When the department approves the software and logic board of a machine, it will use the prescribed security seal process to guard against any unauthorized tampering or changes to the method by which the game of bingo is played on the machine.

2. Any repair made to a machine's logic board which requires the breaking of a departmental seal must be reported to the department before the seal is removed or broken as described in these rules. At that time, readings of the machine's electronic meters and mechanical meters must be approved by the department and initial electronic and mechanical meter readings provided to the department before the machine is again placed in operation on the permittee's premises.

3. Any repair or replacement made to a machine's meters must be reported to the department before a seal is removed or broken as described in these rules. At that time, readings of the machine's electronic and mechanical meters must be approved by the department and the initial readings of the electronic and mechanical meters must be provided to the department before the machine is again placed in operation on the permittee's premises.

4. The department must subsequently be given access to the machine to reseal the meters and verify their proper operation before the machine can be placed in operation.

5. To assure the integrity, security, and monitoring of machines in service, a permitted machine or any portion thereof may not be substituted or replaced until the replacement machine has been permitted by the department.

D. Inspection and Seizure of Machines

1. The department or its duly authorized representative has the right at all times to make an examination of any machine being used to play electronic video bingo. Such right of inspection includes immediate access to all machines and unlimited inspection of all machine parts. The department or its authorized representative may immediately seize and remove any machine or device which violates the Act, these rules or the statutes of Louisiana. Such emergency seizure is subject to a hearing as described in these rules.

2. Given reasonable cause, the department may remove a machine or parts from a machine for laboratory testing and analysis. When parts are removed, the department may seal any machine left on the permittee's premises pending the department's investigation. The breaking or removal of the department's seal without approval may subject the permittee to seizure of the entire machine and suspension or revocation of the permit.

E. Investigation of Permittee

The department may, upon its own motion, and shall upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any machine. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the

Act, rules or other statutes of the state of Louisiana has occurred.

F. Civil Violations

1. When the department determines a permittee has violated the Act or these rules, the department may issue a civil violation to the permittee in an amount not less than \$250 nor more than \$1,000. Violations may be issued for each act not in accord with these regulations. Each day of operation in violation constitutes a separate violation.

2. A violation may be issued for, but is not limited to, the following acts:

- a. the operation of an unpermitted machine;
- b. the use of more than 35 electronic video bingo machines on a premise;
- c. the unauthorized breaking of Seal A or Seal B in a machine;
- d. the failure to report and pay timely the 5 percent fee of net revenues;
- e. the failure to prohibit minors from playing the machine;
- f. the falsification of application or reporting documents;
- g. the refusal to allow inspection of the machine;
- h. the unauthorized destruction of printed ticket vouchers and accounting ticket copies.

G. Suspension and Revocation

1. The department may suspend any and all permits held by an alleged violator after opportunity for hearing when:

- a. the department receives:
 - i. a certified copy (or other credible evidence) of a judgment or conviction of any permittee or his agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the state of Louisiana or any Louisiana parish and-or town relating to charitable gaming; or
 - ii. a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or
 - b. the department, after investigation, has reasonable cause to believe that any permittee, his agent or employee has violated the provisions of the Act or these rules and has been issued a violation or citation.
2. The department may suspend a permit or permits prior to the opportunity for hearing when the department, after investigation, has reasonable cause to believe continued operation of the permitted machine endangers public health, safety, and welfare. During the period of suspension, the permittee shall not operate such machine.

§119. Administrative Proceedings and Adjudication

A. Denial of Application for Registration or Permit or Renewal of Registration or Permit

1. In accordance with the Louisiana Administrative Procedure Act no application for registration, permit or renewal of registration or permit shall be denied without prior notice to the applicant. Said notice shall include facts and-or conduct which warrant the intended action. The applicant shall be given an opportunity to show compliance. If the applicant fails to comply, the department may proceed to deny the registration or permit or the renewal of such. Absent the need for emergency action, the existing license shall not expire until the last day for seeking review of a department order.

2. When the department denies an application for registration or permit or renewal of a registration or permit the applicant may request a hearing within 30 days of denial. Upon the

department's receipt of written request, a hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

B. Administrative Proceedings and Judicial Review

1. The department shall conduct a hearing:

a. following the emergency revocation, restriction, limitation, or seizure of a machine suspension of a permit, and

b. prior to the revocation of a permit, and

c. prior to the denial of renewal of a permit.

2. All hearings must be held in accordance with the Louisiana Administrative Procedure Act.

3. Administrative procedures conducted by the department are subjected to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

§121. Repeal of Previously Adopted Rules

These permanent rules will remain effective until repealed or amended. The authority for the department to adopt these rules is found in Act 671 of the 1985 Louisiana Legislature and in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

William J. Guste, Jr.
Attorney General

RULE

**Department of Public Safety
Office of State Police**

The Louisiana Department of Public Safety and Corrections amended LAC 55:I. Chapter 5, Analysis of Blood, as follows.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis

Subchapter B. Analysis of Blood

§551. Definition

For purposes of these regulations, *alcohol* shall mean ethyl alcohol.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

§553. Certification; Renewal of Certification; Suspension, Revocation or Cancellation

A. All persons seeking certification to conduct blood alcohol analysis shall:

1. make application to the Louisiana State Police Crime Laboratory;

2. successfully complete an accredited college or university course of study which meets all academic requirements for at least a bachelor's degree and receive a degree in medical technology or one of the chemical, physical, or biological sciences;

3. successfully complete a course of at least 24 hours instruction concerning blood alcohol testing conducted by the Louisiana State Police Crime Laboratory. This course shall include, but not be limited to the following: procedures, pharma-

cology and physiology of alcohol, theory of gas chromatography, maintenance, repair, and inspection of instrumentation, preparation and analysis of blood samples;

4. conduct certification testing set up by the Louisiana State Police Crime Laboratory.

B. Certificates may be renewed upon completion of each of the following:

1. application to the Louisiana State Police Crime Laboratory;

2. successful completion of a refresher course given by the Louisiana State Police Crime Laboratory or any other agency approved by the Louisiana State Police Crime Laboratory;

3. successful analysis of four certification samples as stated in §559.

C. Certification and renewal thereof shall be valid for a period of two years from the date of issuance.

D. Failure to adhere to any of the rules and regulations set forth herein, upon establishment of said failure may result in suspension, revocation or cancellation of the certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

§555. Certified Techniques of Analysis

A. The certified analyst shall inspect instrumentation and equipment immediately before analysis is begun to insure that the instrument is operating properly and that test results will be accurate and within the tolerances indicated below.

B. The methods approved for alcohol analysis of blood are:

1. Gas Chromatography - Headspace sampling with internal standard.

2. Gas Chromatography - Direct injection with internal standard.

C. Procedures shall include the following controls in conjunction with each batch of samples analyzed:

1. a system blank analysis;

2. analysis of a reference or control blood sample of known alcohol content within the range .05 to .40g percent, the result of which analysis must coincide with the known blood alcohol value of the reference specimens \pm 0.01g percent if validity is to be assigned to the results for the batch analyzed.

D. Replicate analyses shall be performed in order to eliminate the possibility of undetected errors.

E. Results shall be expressed in terms of percent w/v (g percent) that is, grams of alcohol per 100 milliliters of blood, rounded downward to the second decimal place, for example, 0.237g percent shall be reported as 0.23g percent.

F. Analytical procedures for determining the concentration of alcohol in the blood shall meet the following requirements:

1. The accuracy of the procedure shall be such as consistently to attain results within \pm .01g percent of the known value over the range .05 to 0.40g percent in analyses of commercially prepared standards of known alcohol concentration.

2. The precision of the analysis shall be such as consistently to attain a reproducibility not greater than \pm 0.005g percent of the mean value in replicate analysis.

3. The values yielded by the procedure in analyses of alcohol-free reagents consistently shall be not greater than 0.01g percent.

4. Procedures for the analysis of whole blood from living and post mortem subjects shall differentiate ethyl alcohol from all other substances.

G. Blood drawn for the purpose of determining the alcoholic content therein shall have been taken with the contents of a sealed "B-D Blood Alcohol Kit" Number 4990 or 4991 (manufactured by Becton-Dickinson Division of Becton-Dickinson and Company) or a similar blood collection kit approved by the Louisiana Department of Public Safety and Corrections. "B-D Blood Alcohol Kits" or similar blood collection kits as approved will be made available to all law enforcement agencies by the Louisiana State Police.

1. All kits approved by this department shall contain the necessary preservatives to insure stability of the sample as provided by the manufacturer and contain no component which will interfere with the ethyl alcohol analysis of blood. Each approved kit must be manufactured specifically for blood alcohol determinations in living or post-mortem subjects.

2. Following analysis, the evidence will be stored for a period of one year by either the testing facility or the submitting agency and then may be destroyed.

H. Each laboratory performing blood alcohol analysis must submit to the Louisiana State Police Crime Laboratory for approval written procedures with regard to the following minimum standards:

1. Analysis must be performed on a gas chromatograph.

2. Any procedures for blood alcohol determinations as outlined in these rules and regulations shall be considered minimum standards.

3. Maintenance, repair and inspection must be in accordance with guidelines listed in §557.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390 (October 1978), amended LR 11:256 (March 1985), amended LR 14: (June 1988).

§557. Maintenance, Repair and Inspection

Maintenance, repair and inspection of a gas chromatograph may be performed by a certified blood alcohol analyst. This may include but not be limited to cleaning, replacing septums, changing columns, checking gases and flow rates, adjusting temperature settings, and any other routine checks that are deemed necessary for accurate performance. Following each maintenance or repair, inspection of the instrument shall include running a known alcohol standard to insure that the instrument is in proper working order.

A log book listing all repair work, maintenance and inspection shall be kept and will be available for inspection. The minimum information required in the log book shall state the date, time, nature of work, and name of person(s) performing task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

§559. Certification Testing

An applicant for certification to perform blood alcohol analysis shall submit for certification testing conducted by the Louisiana State Police Crime Laboratory.

A. Applicant shall perform analysis on four unknown samples of whole blood at least three of which shall contain ethyl alcohol percentages of between .01 and .30g percent. The fourth sample may contain ethyl alcohol within previously stated values, other volatile compounds or a sample free of any volatile compounds.

B. The stock solution used to prepare certification testing shall be from a sealed bottle of 200 proof pure anhydrous grade ethyl alcohol diluted to a concentration of 5g/100ml with deionized water. This will then be diluted further with alcohol free blood to obtain concentrations within the range listed in the previous section.

C. Blood samples shall be placed in an approved blood alcohol kit and a sample of each unknown shall be tested and retained by the Louisiana State Police Crime Laboratory.

D. The samples will then be sent to each applicant for alcohol analysis.

E. The applicant shall submit the results of analysis, the completed application, the procedure used for analysis, and all paperwork generated in the process of determining the blood alcohol values to the Louisiana State Police Crime Laboratory.

F. Results must be within a value of ± 10 percent of known values. In addition, paperwork will be reviewed to determine that all procedures were in compliance with these rules and regulations.

G. After review of all paperwork and if results are within accepted ranges, the applicant will be certified as a blood alcohol analyst and will be issued a blood alcohol analyst certificate. This certificate will be valid for a period of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

§561. Quality of Glassware and Supplies

All non-disposable glassware used in the blood alcohol analyses and standard calibration solutions must be cleaned with non-alcoholic detergents and must be free of any foreign residue.

B. All disposable supplies must be clean and contain no interfering substances which could affect the blood alcohol analysis test.

C. All chemicals used shall be at least reagent grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

§563. Proficiency Testing

Each laboratory providing blood alcohol analysis is to participate in a regional or national proficiency testing program at least twice a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14: (June 1988).

Marlin A. Flores, Colonel
Deputy Secretary

RULE

Department of Public Safety and Corrections Office of State Police

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 32:663, notice is given that the secretary of The Department of Public Safety and Corrections adopted the following rules and regulations governing the analysis of blood and breath to determine the alcoholic content. These promulgations supersede all previous regulations and therefore upon final acceptance and publication should be considered as the only rules in effect relating to alcohol analysis in accordance with R.S. 32:663.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§501. Approval of Instruments to Conduct Breath Alcohol Analysis

A. After the Louisiana Department of Public Safety and Corrections has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing, it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, and an instrument certification form shall be maintained for each individual instrument in the Applied Technology Unit. At least once every four months thereafter, each individual instrument shall be inspected, checked, and certified by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit and a recertification form shall be maintained in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of the applicable court in the respective parish in which each device is used for breath testing, and this copy shall be prima facie evidence as to the proper working order of the instrument. The inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist's permit number shall also be affixed to this certificate. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic contents of the breath may request the Applied Technology Unit to approve such apparatus, device, or equipment. The Applied Technology Unit will consider such a request upon submission of such information, instructions for use, exemplars and other pertinent data as the Applied Technology Unit may request. Before any breath alcohol testing device will be approved, it must have undergone inspection and testing by the Applied Technology Unit. This period of testing and evaluation is for the purpose of assuring that an instrument is free of any design error, malfunction or operating problems.

B. Approval of Instrumentation. The following is the instrument approved by the Louisiana Department of Public Safety and Corrections, the Office of State Police, Applied Technology Unit for analysis of breath specimens for the determination of the alcoholic contents therein.

1. Intoxilyzer 5000, manufactured by C.M.I. of Minturn, Colorado and distributed by Federal Signal Corporation of Chicago, Illinois.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§503. Operator Qualification

Qualifications for the certification of individuals to conduct breath analysis are as follows.

A. Employee of a Louisiana or federal law enforcement agency.

B. Resident of the state of Louisiana at the time of application, and at least 18 years of age.

C. Graduation from a state accredited high school or satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

D. Successful completion of a 40-hour operator's training course conducted by the Applied Technology Unit or any other course approved 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. 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.

E. To successfully complete the 40-hour training course and be certified to conduct breath analysis, the individual must:

1. obtain a 75 percent score on the written examination covering course material;

2. 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. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§505. Instructor Qualification

Qualification for certification of individuals as instructors shall be as follows:

A. Certified as an operator on the approved instrument by the Applied Technology Unit.

B. Attendance of an additional 40-hour course approved by the Applied Technology Unit.

C. Involved in a chemical testing program approved by the Applied Technology Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§507. Qualification of Individuals for Instrument Maintenance and Inspection

Qualification of individuals to perform maintenance and

inspection on the approved instrument shall be as follows:

A. Employee of the Office of State Police, Applied Technology Unit in the capacity of Applied Technology Director, Breath Analysis Supervisor, Breath Analysis Instructor Specialist, or Applied Technology Specialist. In order to be employed in the capacity of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, the employee must have met all of the requirements as stated by the Department of Civil Service pertaining to the classification of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist.

B. Graduation from a state accredited high school or the satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

C. Successful completion of a 40-hour Operator's Training Course.

D. Successful completion of a course on maintenance conducted by the manufacturer of the approved instrument used in breath alcohol testing whereby the individual has received a satisfactory certificate stating such.

E. Complete six months "on-the-job training" whereby the individual shall undergo instructions on the following, but not limited to:

1. calibration of the instrument;
2. checking calibration of the instrument;
3. trouble shooting of the instrument;
4. performance of preventive and regular maintenance;
5. preparation and use of any wet bath simulator and solutions used in the calibration and calibration check;
6. inspection of the instrument received from the manufacturer to insure proper assembly, calibration and the overall proper functioning of the instrument.

F. After the individual has completed on-the-job training and qualified on the above specification, then and only then may he be certified to perform maintenance and inspection on the approved breath alcohol testing instrument. The individual will then be certified by the Louisiana Department of Public Safety and Corrections and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

G. The maintenance and/or repair work shall be performed by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety and Corrections to perform such. The instrument recertification form that is filed with the clerks of the respective courts every four months shall also have the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist permit number affixed to this certificate. This permit number shall be proof as to the certification of the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist by the Louisiana Department of Public Safety and Corrections.

H. The procedure used by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist in the inspections of the instrument at least every four months for the checking of the calibration shall be as follows:

1. A wet bath breath alcohol simulator will be used.
2. Use of this simulator and preparation of the contents shall be performed according to the instructions as per the manufacturer of the simulator's operating manual.
3. Solutions used in the simulators may also be produced by using a certified stock solution.
4. Once the simulator is made, the known alcohol value shall be determined by the use of a Gas Chromatograph and this will be the "known alcohol value." Calibration check of the instrument shall be within plus or minus .010g percent of the established "known alcohol value."
5. After the inspections are made by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, and all items are performed according to the maintenance section as listed under the instrument, the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist will then certify that the instrument was in proper working order.
6. Records, or a copy covering maintenance, etc., on the instrument will be kept by the Applied Technology Unit.

1. Personnel of the Applied Technology Unit shall have the authority to instruct individuals as breath/alcohol testing field supervisors. These individuals will be able to perform minor service, repair and transport the instrument to various locations, run known alcohol solutions, testify in court, monitor the chemical testing program on a local level, and confer with the Applied Technology Unit on any related matters pertaining to chemical testing. These individuals will have attended an additional training course whereby they have undergone instructions to perform their outlined duties. These individuals' permit shall state their authority to conduct such duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§509. Permits

Upon determining the qualification of individuals to perform such analysis and duties, and after submitting an application for certification, the Louisiana Department of Public Safety and Corrections shall issue permits which shall be effective for the following periods with respect to classification.

A. Operators Certification

1. Operators shall be certified for a period of two years following successful completion of the 40-hour *Operator's Training Course*. These permits may be renewed after a *Refresher Course* given by the Applied Technology Unit, or any other agency approved by the Applied Technology Unit.

2. In addition to being certified on any instrument currently approved by the Applied Technology Unit, an operator may also attend a specified course for certification on any new instrument that may be approved by the Applied Technology Unit. These permits shall also be in effect for a period of two years.

B. Breath Alcohol Testing Field Supervisors

1. Breath Alcohol Testing Field Supervisors shall be certified for a period of two years.

C. Instructors

1. Instructors shall be certified for a period of five years. However, once he is no longer involved in a chemical testing program, his certification shall terminate and then only be recertified after he has once again become involved in a chemical testing program and demonstrated his knowledge of instructions to the Applied Technology Director.

D. Maintenance

1. Once an applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist is initially certified, his permit shall remain effective for the duration of his employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§511. Recording Analysis and Recertification Date

A. After each breath analysis, the results shall be recorded in the Breath Alcohol Testing Log Book, a copy of which is to be sent to the Applied Technology Unit at the end of each month and a copy to be retained at the testing agency.

B. Each time the approved instrument is inspected and certified, the date of certification shall be placed on the instrument and the operator will record said dates on the operational check list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§513. Procedure for Analysis Using the Intoxilyzer 5000

A. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

B. The operator conducting breath analysis shall conduct such analysis in accordance with the "Intoxilyzer 5000 operational check list" which contains, but, is not limited to the following:

1. completing the information section concerning such things as name and driver's license number of the subject, date, instrument number, and certification date;
2. press the start button, insert test record card and check the display panel for instructions;
3. new and clean mouthpiece attached to the breath inlet hose.
4. subject instructed to blow through the mouthpiece sufficiently until the instrument accepts the proper breath sample;
5. remove the test record card and attach it to the check-list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§515. Maintenance Inspection for the Intoxilyzer 500

Maintenance inspection shall be performed on a routine basis at least once every four months by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist. Items to be inspected shall include, but not be limited to the following:

- A. clean instrument;
- B. running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value;
- C. insure that the instrument is locked;
- D. check printer to see if it is printing out properly;
- E. check breath tube inlet hose;
- F. in event repair work is needed, it shall be recorded in detail.

Marlin Flores
Deputy Secretary

RULE

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

The Louisiana Wildlife and Fisheries Commission hereby establishes a 14-inch minimum size limit and a 10-fish daily possession limit for black bass in Chicot Lake, Evangeline Parish, Louisiana concurrent with a research project. This rule shall be effective June 1, 1988 through December 31, 1989.

Authority for adoption of this rule is included in R.S. 56:325.5.

Virginia Van Sickle
Secretary

RULE

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

The Louisiana Wildlife and Fisheries Commission ratified changes to the Louisiana Administrative Code 76:V.103 which governs Field Trials on Wildlife Management Areas and a pen-reared bobwhite health certification procedure at its 29 April 1988 meeting in New Orleans. The original rules were promulgated in accordance with R. S. 56:141 in December 1976, LR 2:459. The new rules omit unnecessary regulation, liberalize the season framework, and state more clearly procedural responsibilities required by the LDWF of bird dog clubs utilizing a WMA for a field trial. The entire set of amended rules and the pen-reared bobwhite health certification procedures are amended as follows.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§103. Field Trials on Wildlife Management Areas

The Louisiana Wildlife and Fisheries Commission does hereby authorize field trials by recognized bird dog associations

to be held on selected wildlife management areas but only under the following conditions:

A. The season framework for conducting field trials involving the use of bird dogs is from October 1 through March 30 of each year. Specific season dates, however, will be set annually, management area by management area.

B. No trial will be allowed during managed deer hunts or opening weekends of other deer gun seasons.

C. No shooting of wild bobwhites will be allowed during the closed quail season.

D. Pen-reared bobwhites can not be used for field trial purposes without first obtaining health certification as prescribed by the Louisiana Wildlife and Fisheries Commission. Failure of bobwhite to pass the certification will result in the postponement (cancellation) of the field trial.

E. Applications must be submitted well in advance (a period established by the Louisiana Wildlife and Fisheries Commission) by field trial associations specifying the date and precise location for the proposed field trial.

F. Only two trials per field trial organization will be allowed each season.

G. Applications will be approved only after the field trial association has met these conditions.

H. All bobwhites released for field trial purposes must be banded with a numbered band furnished by the Louisiana Department of Wildlife and Fisheries. A list of the band numbers of birds released and birds recovered as well as any unused bands must be returned to the Louisiana Department of Wildlife and Fisheries within two weeks after a field trial is held.

I. All pen-reared bobwhites can be inspected by Louisiana Department of Wildlife and Fisheries personnel for evidence of diseases before they are released on the wildlife management areas for field trial purposes. Evidence of diseased birds can result in the cancellation of the field trial.

J. Applications received for the Fort Polk Wildlife Management Area must be approved by the U.S. Army.

§105. Pen-reared Bobwhite Health Certification Procedures

A. The Louisiana Veterinary Medical Diagnostic Laboratory (LVMDL) will perform health evaluations on the sample of live pen-reared bobwhites. A five percent sample, not to be less than five birds, must be delivered (shipped or otherwise) live with the completed Batch Case History Form to the LVMDL on Mondays by 9 a.m. at least five but not more than 10 working days prior to the field trial. Testing requires five working days.

B. Items tested for include but are not limited to:

1. Avian Pox
2. Capillaria
3. Coccidia
4. Cryptosporidia
5. Ectoparasites
6. Heterakis spp.
7. Histomoniasis
8. Mycoplasma gallisepticum
9. Pullorum
10. Typhoid

C. Any positive tests (except non-pathogenic ectoparasites) will result in the rejection of the use of that batch of birds. No trial utilizing pen-reared bobwhites can be conducted without health certification. Failure of samples to pass certification will result in the postponement (cancellation) of a trial.

D. The fee for the diagnostic tests is \$27 per five birds (\$5.40 each) and is payable to the LVMDL in advance.

E. Mailing Address and Telephone

Louisiana Veterinary Medical Diagnostic Laboratory, Box 16570-A, Baton Rouge, LA 70893, 504/346-3193.

F. Location

Louisiana Veterinary Medical Diagnostic Laboratory, School of Veterinary Medicine, LSU Campus, Baton Rouge, (Corner of South Stadium and River Road).

Virginia Van Sickle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Quarantine Program

The Louisiana Department of Agriculture and Forestry will consider amending the Plant Quarantine Regulations, LAC 7:XV, Chapter 95, as follows:

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Diseases

Chapter 95. Crop Pests and Diseases

Subchapter C. Sweet Potato Weevil Quarantine

§9537. Issuance of Certificate Permits, Fumigation Certificates and Certificate Permit Tags for the Movement of Restricted Material

A. From Pest-free Areas

1. Green certificate permit tags will be issued to persons in the pest-free areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon written request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from the pest-free area to points within and outside of Louisiana will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indi-

cates that the restricted material is free of the sweet potato weevil.

c. Green certificate permit tags are attached to or within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

B. From Quarantined Areas

1. Pink certificate permit tags will be issued to persons in the quarantined areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon written request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from or within the quarantined areas will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is apparently free of the sweet potato weevil.

c. Pink certificate permit tags are attached to or within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

d. The regulated material is not moved from a quarantined area into a pest-free area, unless fumigated, or to any state which may prohibit entry of such restricted material.

e. The lot of sweet potatoes, if moving by truck to an area which permits entry of restricted material, is sealed in the truck body by the use of not more than two seals. Tarpaulins or other means used to seal the truck body must be approved by the department in advance of moving sweet potatoes. The seal shall not be broken until the truck reaches the destination shown in the certified permit authorizing the movement of the sweet potatoes. If the truck load is comprised of mixed produce including one or more containers of sweet potatoes, the entire load of produce must be sealed in the truck before leaving the loading point; a permit covering the sweet potatoes must be issued.

f. Fumigation certificate permits authorizing the movement of restricted material from quarantined areas will be issued when such restricted material is inspected, found apparently free of the sweet potato weevil and fumigated with an approved fumigant in such dosages and at such temperature and time of exposure as prescribed by and under the immediate supervision of a representative of the department.

C. No sweet potatoes may be moved or shipped within or out of Louisiana unless a valid certificate permit is issued for each shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1734 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture LR 11:321 (April 1985).

Persons interested in making comments relative to this notice may do so by writing to Craig M. Roussel, Director, Quarantine and Horticulture Programs, Box 44517, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding these proposed amendments.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Crop Pests and Diseases**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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)

There will be no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to the sweet potato industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment as a result of this rule change.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Agricultural Commodities Commission**

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture and Forestry, Agricultural Commodities Commission, is hereby giving notice of its intention to adopt the rules and regulations detailed below for the implementation of Moisture Meter Registration and Inspection Fee.

Title 7

Agriculture and Animals

Part XXVII. Agricultural Commodity Dealer and Warehouse

Chapter 147. Agricultural Commodities Commission

Subchapter E. Assessments and Fees

§14728. Fees: Amount, Time of Payment

A. ...

B. ...

C. ...

D. Moisture Meter Registration and Inspection Fee

1. There is hereby established and henceforth there shall be a registration fee of \$10 per meter and an inspection fee of \$20 per meter to be paid by the owner or user of every moisture measuring device used or held for use at any commercial facility which receives, holds, dries, stores, mills, processes or otherwise deals in agricultural commodities in the state, when such use or intended use is for the purpose of determining discounts or other price variances in connection with the purchase or sale of such commodity, said device shall be registered with the Louisiana Department of Agriculture and Forestry.

2. Registration shall be required on or before May 15,

1988 and thereafter within two business days of acquisition of a new or additional unregistered moisture measuring device for the purpose set forth in Paragraph 1 of this Section. Such registration shall be on forms provided by the department and shall at a minimum disclose the name and address of the commercial facility which owns or uses the device, the number of devices used and held for use, the brand name(s) of the device(s), and such other information as may be deemed necessary to carry out the provisions of this Subchapter.

Interested persons who want to comment on the proposed rule should contact Manning Broussard, Director, Agricultural Commodities Commission, Box 44456, Baton Rouge, LA 70804.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Adopt LAC 7:14728(D)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Anticipated implementation costs would be \$35.00 for the costs or postage for notification of the fee implementation in FY 87-88 and none thereafter.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

For FY 87-88, there is a projected revenue increase of \$3,125. For FY 88-89 and FY 89-90, each year has a projected revenue increase of \$4,250.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Commercial facilities using moisture measuring devices would pay according to their usage of these devices. Estimated costs for FY 87-88 are \$3,125. Estimated costs for FY 88-89 and FY 89-90 are \$4,250.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that competition and employment will not be effected since every facility using the devices will have the same rate of fee increase per device.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Agricultural Commodities Commission**

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture and Forestry, Agricultural Commodities Commission, is hereby giving notice of its intention to amend the rules and regu-

lations detailed below for the implementation of fees for travel time during performance of grain grading services.

Title 7

AGRICULTURE AND ANIMALS

Part XXVII. Agricultural Commodity Dealer and Warehouse

Chapter 147. Agricultural Commodities Commission

Subchapter E. Assessments and Fees

§14728. Fees: Amount, Time of Payment

- A. ...
- B. ...
- C. Schedule of Fees

1. The regular hours shall be 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Holidays and all other hours shall be considered as overtime. The following shall be designated as holidays: New Year's Day, Mardi Gras, Good Friday, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, Election Day (every two years), and any other day the governor proclaims as a legal holiday.

2. The hourly rate shall be \$25 per hour, including travel time. Overtime hours shall be billed at \$15 per hour plus inspection fee assessed in quarter-hour increments.

3. Mileage shall be billed at the rate of 20.5 cents per mile traveled.

4. Official Services (Including sampling except as indicated):

Online D/T sampling inspection service (sampling, grading and certification), per regular hour	... \$25.00
Overtime hourly rate, per hour	... \$40.00
Unit Inspection Fees: Hopper car, per car	... \$20.00
Boxcar, per car	... \$15.00
Truck/trailer, per carrier	... \$10.00
Barge, per 1,000 bushels	... \$ 2.50
Submitted sample inspection	... \$ 6.00
Reinspection, same as original inspection when based on new sample.	
Reinspection, based on file sample:	
Truck/trailer, per sample	... \$ 5.00
Boxcar, per sample	... \$ 7.50
Hopper car, per sample	... \$10.00
Barge, per sample	... \$25.00

Factor determination, per factor (not to exceed full grade fee)	... \$ 5.00
Class X weighing hourly rate, regular hours	... \$18.50
Class X weighing hourly rate, overtime hours	... \$33.50
Class Y weighing, barge, per 1,000 bushels	... \$ 2.00
No charge if grade change from original inspection.	

Service requests not covered by above fees will be assessed the applicable hourly rate stated herein.

The following FGIS supervision fees will be assessed in addition to other fees:

Factor only, max. 2 factors	... \$.30
Factor only, excess 2, the applicable carrier or sample fee applies:	
Railcars, inspect or weigh	... \$ 1.60
Truck/trailer, inspect or weigh	... \$.50
Barge, inspect or weigh	... \$10.25
Warehouseman's sample	... \$.50
Submitted sample	... \$.50
Reinspection	... \$.50
Other, i.e., sample only	... \$.50

Stowage, other than vessel\$.30
 Class X\$10.25
 Class Y None

Interested persons who want to comment on this proposed rule should contact Manning Broussard, Director, Agricultural Commodities Commission, Box 44456, Baton Rouge, LA 70804.

Bob Odom
 Commissioner

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Amend LAC 7:14728(C)(2)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 Anticipated implementation costs would be \$35 for postage in FY87-88 and none thereafter.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 Estimated increase in revenue collections for FY 87-88 is \$2,975. FY 88-89 and FY 89-90 each have an estimated revenue increase of \$23,725.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
 Grain dealers or individuals utilizing the services would be charged a uniform fee based upon their time of usage. Estimated costs for FY 87-88 is \$2,975. Estimated costs for FY 88-89 and FY 89-90 are each \$23,725.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 It is estimated that competition and employment will not be effected since every grain dealer or individual using the services would pay based upon their utilization of the services.

Richard Allen
 Assistant Commissioner

David W. Hood
 Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
 Office of Management and Finance
 Central Registry**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985), notice is hereby given that the Department of Agriculture and Forestry, Central Registry, intends to adopt the following amendments:

**Title 7
 AGRICULTURE AND ANIMALS
 Part XXXVII. Security Devices**

**Chapter 181. Central Registry
 §18117. Farm Products List and Codes**

A. In accordance with R.S. 3:3654 (B) and Section 1324 of the Food Security Act of 1985, Public Law 99-198 as amended, and regulations issued thereunder as applicable, only those products listed below shall be deemed farm products by the Central Registry.

CODE	PRODUCT	CODE	PRODUCT
1005	Broccoli	1220	Pecans
1010	Cabbage	1230	Peppers
1020	Cantalopes	1240	Rice
1030	Cauliflower	1250	Rye Grass Seed
1040	Corn	1260	Sorghum Grain
1050	Cotton	1270	Soybeans
1060	Cucumbers	1280	Squash
1070	Cushaw	1290	Strawberries
1080	Flowers, Shrubs and Ornamentals	1300	Sugarcane
1090	Garlic	1310	Sunflower Seed
1100	Grapes	1320	Sweet Potatoes (Yams)
1110	Grass	1330	Sweet Sorghum
1130	Hay	1340	Tomatoes
		1350	Watermelons
1150	Mushrooms	1360	Wheat
1160	Oats		
1170	Onions		
1180	Oranges		
1190	Peaches	2020	Eggs
1200	Peanuts	2030	Honey
1210	Peas	2040	Milk
3010	Alligators	3090	Horses
3020	Catfish	3100	Mink
3030	Cattle	3110	Oysters
3040	Chickens	3120	Quail
3050	Crawfish	3130	Prawns
3060	Goats	3140	Sheep (Lamb)
3070	Hogs	3150	Shrimp
3080	Honeybees	3160	Turkeys
		4000	Timber

B. Louisiana shall be deemed to be a state that has established a Central Registry as to those farm products listed above and shall be deemed not to be such a state as to all other farm products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3660 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 13:159 (March 1987), amended LR 14:

§18119. Fees

A. In accordance with R.S. 3:3657, the commissioner is authorized to establish fees for the operation of the Central Registry. The fees are as follows:

- 1. Filing fee (for effective financing statements, amendments, assignments and extensions of effective financing state-

ments and security devices accompanied by a related EFS) - \$8.
NOTE: This includes \$5 filing fee and \$3 prepaid cancellation fee.

2. Encumbrance certificates - \$5 per encumbrance certificate.
3. Certified copies of security devices - \$2 plus \$.25 per page of the security device.
4. Registration (initial and renewal) - all registrations are for one calendar year.

FARM PRODUCTS	1 - 3	4 - 7	Over 7
1 - 10 parishes	\$40	\$80	\$125
11 - 30 parishes	\$80	\$175	\$250
31 - 45 parishes	\$125	\$250	\$325
46 - 64 parishes	\$175	\$325	\$500

5. NSF fee - \$10 per check returned due to insufficient funds.

B. Failure by any person to pay any fee as required shall result in termination of service by the Central Registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3656 and Public Law 99 - 198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 14:

All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 44306, Capitol Station, Baton Rouge, LA 70804.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Central Registry**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no 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 will increase approximately \$6720 annually as a result of increasing fees for registering with the Central Registry.
Revenue Collections will increase \$800 in '87-88, \$4000 in FY '88-89 and \$4800 in FY '89-90 as a result of adding broccoli and timber to the list of approved farm products.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Individuals wishing to register with the Central Registry will pay higher fees for this service.
Individuals wishing to secure production loans for broccoli and timber by registering with the Central Registry will be able to do so.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

6-88-12 F

NOTICE OF INTENT

**Department of Commerce
Board of Examiners of Certified Shorthand Reporters**

The Louisiana Board of Examiners of Certified Shorthand Reporters is hereby amending Part XXI, Chapters 1, 3, 7 and 9 of the Louisiana Administrative Code as follows:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXI. Certified Shorthand Reporters**

Chapter 1. Certification

§101. Application for Certification

An applicant for a certificate shall file an application on a form provided by the board (Board of Examiners of Certified Shorthand Reporters), accompanied by any applicable fees, and such evidence, statements or documents required by said form. If an examination is required, said application must be filed with the board at least 10 days prior to an examination date. A new application is required for each examination.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

Chapter 3. Examinations

§301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 10 days prior to the examination date.

C. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

D. An applicant who fails to timely appear for examination after being notified of his eligibility shall be deemed to have abandoned his application. In order again to become eligible for an examination, such person shall file a new application, and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

E. An applicant who commences but does not finish his assigned examination, or who otherwise fails such examination, shall not be eligible for any future examination except upon filing a new application and otherwise complying in all respects with the provisions of the Act and these regulations in the same manner as required of the original applicant.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§303. Examinations to be Under Direction of the Board

A. The examination shall be under the direction and control of the board, but the board may employ assistants to prepare the questions, conduct the examination and submit recommended grades.

B. Examination questions, together with the answers or keys, shall not be disclosed prior to the announced results of the examination.

C. The identity of each candidate shall be and remain unknown to the board until after final results are announced. Before the commencement of the examination an identifying number shall be assigned to each candidate. The candidate shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§307. Content of Examination

A. The examination shall consist of:

1. general knowledge test;
2. dictated tests at the following speeds:
 - a. five minutes at 180 WPM (Literary, one voice)
 - b. five minutes at 200 WPM (Jury charge, one voice)
 - c. five minutes at 225 WPM (Q and A, two voices)

B. The general knowledge test will consist of 100 multiple choice questions which will include 50 questions on English grammar, spelling and word comprehension, 25 questions on medical terms and 25 questions on legal terms. The use of reference material will not be allowed.

C. Completion time for the written general knowledge test is one and one-half hours. Four hours are allowed for transcribing the three segments of the dictated test. Transcripts must be typed.

D. Candidates may be required to read aloud any part of the dictated matter required by the board.

E. No candidate will be allowed to use electronic recording equipment, except stenomask, during the examination.

F. Upon completion of the examination all shorthand notes, transcripts, and other examination papers shall become the property of the board.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§309. Grading of Examination

A. Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes, the time occupied in the transcription; his knowledge of court reporting procedure and its related terminology, spelling, and punctuation; and the general style of the transcript.

B. Seventy-five percent accuracy is required on the general knowledge test.

C. Ninety-five percent accuracy is required on the dictated and transcribed portions of the test.

D. If an examinee passes one portion of the examination (general knowledge portion or dictated portion) but fails the other, he will be exempt from taking the passed portion at all subsequent tests.

E. For the purpose of grading, errors will be assessed in accordance with the guidelines accepted by the National Shorthand Reporters Association.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§311. Review of Examination

Examinees will have a period of 90 days from the release of the test results to review examinations in the offices of the board. Written notification of an examinee's intent to review his examination must be received at the board's office five days prior to the review of the examination. Examinations may be reviewed only during normal working hours.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§317. NSRA Examinations

The board will accept as an examination under Section 2554A an NSRA-RPR and/or CM examination or an NSVRA examination with the equivalent or higher standards than the CSR examination given in January 1983. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

Chapter 5. Certificates

§501. Expiration of Certificate

All certificates shall be suspended as of 12 p.m. on December 31 of each year if not, in each instance, renewed. To renew a certificate, the certificate holder shall, on or before the date on which the certificate would otherwise be suspended, pay the renewal fee established by the board. A suspension under this Section shall be effective until all delinquent fees have been paid in full.

If renewal fees are not paid within two years of suspension, certificate holder must sit for an examination in order to be recertified.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

§503. Temporary Certificates

A. Upon proper application, those persons who are practicing general reporting or free lance reporting and who hold a valid C.S.R. Certificate from another state, will be issued a seven-month temporary certificate.

B. Upon a proper application, those persons who present satisfactory proof of passing a qualifying examination will be issued a temporary certificate which shall expire upon receipt of the results of the next C.S.R. examination. Provided, however, that if such an application is received 30 days preceding a C.S.R. examination, such temporary certificate will expire on release of the test results from the second CSR examination

given subsequent to the filing of the application.

The qualifying certificate must be from a licensed court reporting school certifying that the applicant has passed a qualifying examination. The qualifying examination must consist of five minutes of two-voice testimony, new material, at 225 words per minute, standard word count, with 95 percent accuracy. The qualifying examination must be taken within one year of the board examination date.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

Chapter 9. Fees

§901. Fees

The following fees shall be paid to the board:

A. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate as a certified shorthand reporter shall be \$35 for the written examination and \$50 for the dictated portion.

B. The fee to be paid for the issuance of a certificate or registration without board examination is \$50.

C. The fee to be paid upon the renewal of the certificate or registration is \$75.

D. The fee to be paid for the issuance of a temporary certificate is \$50.

E. The fee to be paid for the reinstatement of a certificate shall be the payment of all delinquent fees, plus \$15.

F. The fee to be paid for regrading an examination shall be \$30.

G. The fee to be paid for a C.S.R. seal is \$30.

H. The fee to be paid for the purchase of examination materials is \$10 for cassettes.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14:

Send comments to: Jodie O. Green, Office Administrator, Board of Examiners, C.S.R., 325 Loyola Avenue, Suite 306, New Orleans, LA 70112, (504) 523-4306.

Justice James L. Dennis
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Title 46

Professional and Occupational Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Board of Examiners will collect approximately \$750 per year less due to the reduction in the price of seals. However, due to the volume of seals being ordered, the board's cost was reduced. The board is passing this savings on to the

court reporter's. The deletion of \$5 for written materials will have no effect as written examination materials are no longer requested.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Court reporters buying seals will pay \$10 less for a seal.

The repeal of the state requirement for a qualifying certificate from a licensed court reporting school allows one to take the examination without formal training.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Rose Marie Bye
Treasurer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

Title 35 HORSE RACING

Part III. Personnel, Registration and Licensing Chapter 57. Association's Duties and Obligations §5767. Disclosure (PROPOSED FOR ADOPTION)

Any association conducting a race meeting shall disclose in writing any and all criminal activity to the Louisiana State Police Racing Investigations Unit with a copy forwarded to the commission. Failure to do so may subject the association to a fine and/or reduction in racing days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and 148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 35:III.5767, Disclosure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no cost to implement this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This action will benefit the commission by requiring an association to release certain background information that is essential and significant. The commission should be entitled to know any historical criminal activity of any association.

In turn, patrons and horsemen will benefit by assuring them that an association has been thoroughly checked and found to be capable of conducting horse racing activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:III.5765 "Employment on Track
Grounds"**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no cost to implement this rule

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This is an asset to the horsemen and patrons as well as for security persons. This rule backs up the requirement that all individuals working on the grounds of a track must be licensed. . . no matter what.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

**Part III: Personnel, Registration and Licensing
Chapter 57. Association's Duties and Obligations
§5765. Employment on Track Grounds (PROPOSED FOR ADOPTION)**

Any individual deriving economic benefits from employment on the grounds of a racing association shall be licensed by the commission whether he or she is in the employ of an association or individual. Economic benefit includes, but is not limited to, fixed salary, hourly wage or income from gratuities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and 148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part V. Racing Procedures**

**Chapter 63. Entries
§6353. Entry After Excused (PROPOSED FOR AMENDMENT)**

A. The entry of any horse which has been excused by the stewards from starting due to physical disability or sickness shall not be accepted until the expiration of three racing days after the day the horse was excused.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:437 (December, 1976), repromulgated LR 3:34 (January, 1977), LR 4:280 (August, 1978), amended LR 11:615 (June, 1985).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday,

July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:V.6353, Entry After Excused

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action benefits horses by giving them enough time to recover from sickness or disability.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

TITLE 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLI. Horseracing Occupations**

**Chapter 5. Assistant Trainers and Other Employees
§535. Examinations (PROPOSED FOR AMENDMENT)**

A. The commission may require any new applicant to demonstrate his or her knowledge, qualifications and proficiency for the license applied for by such examination as the commission shall direct. The applicant shall be notified to establish a time and place for such examination.

B. The commission shall administer a standardized, written proficiency test to each applicant in the following license categories: steward, trainer, jockey and jockey agent. Such testing shall be performed at a track commission office or other commission authorized location, and shall be supervised by a commission appointee or state steward. The fee for the test shall be \$35 and paid for by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 150.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission L.R. 12:289 (May, 1986).

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 46:XLI.535 Examinations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is a minor impact on revenue collections. It is unlikely that this rule implementation would bring more than \$3,500 in state revenue (license fees) due to fees for examinations of new applicants. At \$35 per applicant (new), categories of steward, trainer, jockey agent and jockey would be tested, with not more than 100 applicants anticipated per year in these categories.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This is a benefit to trainers, stewards, jockey agents and jockeys by assuring their thorough knowledge of the occupation which they seek.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLI. Horseracing Occupations**

**Chapter 7. Jockeys and Apprentice Jockeys
§725. Jockey Fee Schedule (PROPOSED FOR AMENDMENT)**

A. Each owner shall maintain a minimum balance of \$100 in the horsemen's bookkeeper account at all times.

B. In the absence of a special agreement, the fee of a jockey shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 and under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700-900	10% of win purse	25	22	20
1,000-1,400	10% of win purse	30	25	22
1,500-1,900	10% of win purse	35	30	28
2,000-3,400	10% of win purse	45	35	33
3,500-4,900	10% of win purse	55	45	35
5,000-9,900	10% of win purse	65	50	40
10,000-14,900	10% of win purse	75	60	45
15,000-24,900	10% of win purse	100	75	50
25,000-49,900	10% of win purse	150	100	60
50,000-99,900	10% of win purse	225	150	75
100,000 and up	10% of win purse	400	250	100

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 151.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:431 (December, 1976), LR 3:28 (January, 1977), repromulgated LR 4:276 (August, 1978, amended LR 5:23 (February, 1979), amended LR 12:12 (January, 1986).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 46:XLI.725, Jockey Fee Schedule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit jockeys by assuring a minimum balance that the owner must maintain with the horsemen's bookkeeper for their fees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

Part I: General Provisions

Chapter 15. Permitted Medications

§1513. Mandatory Penalties (PROPOSED FOR REPEAL)

Any permittee of this commission who has violated any medication rule at least three times, the third time being after October 1, 1984, shall be suspended for a period of five years and denied access to all race tracks under the jurisdiction of the commission. The foregoing does not apply to violations of the pre-race testing rule or a violation of the medication rules when the drug found is classified solely as an anti-inflammatory agent or as a bleeder medication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 142 and 148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission LR 11:6 (January, 1985).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC35:I.1513 "Mandatory Penalties"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to repeal this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit the Commission and the horsemen by not limiting penalties to a specific time (suspension) for violations of the drug rules. Penalties may be determined on a case by case basis.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part V. Racing Procedures**

Chapter 63. Entries

§6336. Preference for Eliminated Horses (Amended Title) (PROPOSED FOR AMENDMENT)

A. Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitation, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

B. A double entry shall be superseded by a single entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission LR 13:289 (May, 1987).

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:V.6336 "Preference for Eliminated Horses"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action benefits the horsemen by allowing a single entry to take precedence over a double entry (double meaning two horses trained by the same trainer, entered in the same race).
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part V: Racing Procedures**

Chapter 75. Winnings

§7509. Purse Payments Pending Licensure (PROPOSED FOR ADOPTION)

No share or shares of any purse shall be paid to the owner of any horse finishing first, second or third until said owner has been licensed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, 150 and 169.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

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The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:V.7509 "Purse Payments Pending Licensure"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action will benefit the Commission by insuring that all owners are licensed before they receive any purse payments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

Part XI: Claiming Rule and Engagements

Chapter 99. Claiming Rule

§9947. Scratched Horse (PROPOSED FOR ADOPTION)

Should the stewards feel that a horse was scratched from a claiming race because of a claim or fear of a claim, the horse may be required, at the discretion of the stewards, to run back for a claiming price not to exceed the claiming price when the scratch occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 142 and 148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:XI.9947 "Scratched Horse"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule benefits horsemen by preventing an owner from entering a horse in an attempt to win a cheap claiming race and before the race, finding out his horse may be claimed, scratching the horse.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

Part V: Racing Procedures

Chapter 63. Entries

§6361. Trainer Entry of More Than One Owner's Horses (PROPOSED FOR AMENDMENT)

AMENDED VERSION TO READ:

In cases where a trainer enters two horses in the same race, each having bona fide separate owners, the horses shall be coupled as one betting unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, repromulgated LR 2:438 (December, 1976), amended LR 3:34 (January, 1977), LR 4:280 (August, 1978), LR 6:542 (September, 1980). LR 6:721 (December, 1980).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:V.6361 "Trainer Entry of More Than One Owner's Horses"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
By requiring coupling of horses, patrons will benefit in betting (program showing 1 & 1x allows a bet on both at the same time). This coupling is based on one trainer/two owners situation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation Dates of the Eleventh Grade Graduation Test

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 to reflect the implementation date of the Eleventh Grade Graduation Test as follows:

Delete the second procedural block under Standard 2.099.00.

Insert as a new standard:

1. The Eleventh Grade Graduation Test will be administered to all eleventh grade students beginning with the 1988-89 school year.

2. Beginning with the 1988-89 school year, the Eleventh Grade Graduation Test will be administered to all students who have earned Carnegie units in or are currently enrolled in the following courses: English I, English II, English III, American History, Civics, Free Enterprise, Algebra I, Biology.

3. The Eleventh Grade Graduation Test requirement is effective for graduating students beginning with the 1989-90 school year and thereafter.

4. Two scheduled retake opportunities will be provided annually for students failing to pass the test beginning with the 1989-90 school year and annually thereafter.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elementary and Secondary Committee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated implementation cost to state government is \$11,830,500. This includes \$148,500 for the scoring of the writing sample on the test and \$11,682,000 for summer remediation for those students who fail the test.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs to non-governmental groups unless the remediation program is not funded by the state. Then the remediation would have to be paid by either the local school systems or the parents of the students who fail the test.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Each local system would have to employ persons to provide the remediation.

Graig A. Luscombe
Interim Deputy Superintendent
of Management & Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Definition of Instructional Time

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 to include the revised definition of "Instructional Time" as follows:

Instructional time: includes scheduled time within the normal school day approved by local systems for teaching courses outlined in the Program of Studies, for parent/teacher conferences wherein the progress of the student or the student's program of study is assessed, and semester or quarterly testing and evaluation of the student according to the adopted school calendar.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Definition of Instructional Time

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This change would cost about \$50 for printing and postage to notify the school systems.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Graig A. Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Nonpublic School Standards

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 amended the Nonpublic School Standards 6.037.10 and 6.037.11 to read the same as the public school standards on instructional time as follows:

"Two or more partial days may be combined to meet the minimal school year requirement of 175 days of 330 minutes of instructional time."

"The class schedule must be abbreviated in order to ensure that all classes are taught during partial days."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendment to Nonpublic School Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This change would cost about \$50 for printing and postage to notify the school systems.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig A. Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Bulletin 741-Private Piano Instruction

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the request of the department to delete the procedural blocks in Bulletin 741 which

refer to SACS standards on private piano instruction (pages 85 and 87).

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Elementary and Secondary Ed. Comm. Motion 22

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This change would cost about \$50 for printing and postage to notify the school systems.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig A. Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1196

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 1196, *Louisiana Food and Nutrition Programs Policies of Operation*, page 31 to read:

"A program serving 500 or more meals daily may have a Food Production Manager."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

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

**Rule Title: Amendment to Bulletin 1196, Revised,
allowing Assistant Managers for schools serving 500
meals per day**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no costs to state government at this time or in the foreseeable future. There may be a possible small increase in labor costs to be paid from school food service funds, not the school board general fund.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There may be possible economic benefits to persons named as Assistant Managers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

no saving above the current year. This practice has been discontinued since the 1986-87 school year. The savings to the state at that time was \$624,435 in actual MFP costs. Estimates of local savings were not available, nor were unemployment costs related to this change.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No followup was done on these particular positions to determine how many of the aides moved to other vacancies in the LEA; therefore, cost estimates would be an assumption and could be the total MFP funding in I above. Eight LEAs were involved.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No aides are currently employed in these positions. The number of positions abolished were 105 at an MFP salary of \$5,947 each. Local supplements varied and were not available.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
A followup of aides so impacted by this move was not handled on a precise basis. Some aides were moved to other vacancies in Special Education and in other programs in LEAs, although there is no accurate accounting.

Graig A. Luscombe
Interim Deputy Superintendent
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706 - Teacher Aides

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 suspended Part B, II-A Teacher Aides in Bulletin 1706 for self-contained classrooms for gifted students until such time as revisions in the regulations are proposed or funds are appropriated for this purpose.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Latin Certification Requirements

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 amended Latin certification requirements with the following amendment for elementary foreign language teachers:

"A passing score on the ACTFL/ETS Oral Proficiency Interview is not required for certification in Latin."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

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

**Rule Title: Exclusion of special education teacher aides
in classrooms for gifted.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Since this rule is now temporarily in effect, there will be

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

**Rule Title: Amend Bulletin 746 Latin Certification
Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that it will cost approximately \$50 to print and disseminate the revised page in Bulletin 746, LOUISIANA STANDARDS FOR STATE CERTIFICATION OF SCHOOL PERSONNEL.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The rule will have no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no additional cost to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Graig A. Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

INITIAL CERTIFICATE		
APPLICATION FEE	IN-STATE	OUT-OF-STATE
DUPLICATE CERTIFICATE		\$15
COPIES OF MATERIAL IN FOLDER		\$5

- Letters - Per letter
- Transcripts - Each university
- NTE scores

BULLETIN 746, "Louisiana Standards for State Certification of School Personnel"

PART A - Teachers, Administrators & Ancillary Personnel	\$6
PART B - Vocational-Technical Personnel	\$2

CERTIFIED CHECK or MONEY ORDER to be made payable to the Louisiana Department of Education
FEE VALID FOR ONE YEAR PENDING COMPLETION OF TRANSACTION OR REQUEST Effective: July 1, 1988

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

NOTE: This fee schedule was also adopted as an emergency rule, to be effective July 1, 1988.

Em Tampke
Interim Executive Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Teacher Certification Fee Schedule

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the certification fee schedule for teachers:

CERTIFICATION FEE SCHEDULE
EFFECTIVE JULY 1, 1988

ALL CERTIFICATION FEES ARE NONREFUNDABLE

INITIAL CERTIFICATE		
APPLICATION FEE	IN-STATE	OUT-OF-STATE
TEACHING CERTIFICATES	\$25	\$40
Type C certificate		
Temporary certificate (Initial Certificate Only)		
Emergency permit		
Temporary employment permit		
ANCILLARY CERTIFICATE	\$25	\$40
VTIE	\$25	

ADDITIONAL CERTIFICATION ENDORSEMENTS / TRANSACTIONS

Additional Endorsement to Certificate		\$15
Higher Certificate		
Name Change		
Adding Degree		
Extension		
Written evaluations (Limit 2)		
Reissuance of temporary certificate (No Charge)		

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Certification Fee Schedule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Since fees are currently being collected by the Department of Education, this proposed fee increase should not require additional funds to implement other than approximately \$50 (printing and postage) to disseminate the revised fee schedule statewide.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that as a result of this proposed action approximately \$132,500 will be available to the Department of Education (Bureau of Teacher Certification) as self-generated funds and approximately \$6,000 will be forwarded to the State General Fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed action would increase the certification fees required of Louisiana school personnel for Louisiana certification. An increase of from \$10 to \$15 depending on the type of transaction required is proposed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe
Interim Deputy Superintendent
of Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Test Security Policy

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education approved the following revised Test Security Policy as recommended by the LA Education Assessment Program Testing Commission:

Policy

Each local school district shall develop and adopt a district test security policy.

Procedure

All procedures shall provide for the security of the materials during testing and the storage of all tests and test materials, including observational answer keys, video tapes, completed observation sheets, and examinee answer documents, before, during, and after testing. All materials shall be stored under lock and key.

Policy

Job descriptions for those employees who administer or have access to state-mandated tests shall include the responsibility for maintenance of test security.

Procedure

Each school district shall show evidence of an inservice program to inform professional employees of practices and procedures designed to ensure test security and of civil and criminal penalties which could result from a violation of test security.

Policy

Each LEA shall provide an inservice program on test security for all testing mandated by the state for students in elementary and secondary programs, including GED and eleventh grade high school graduation test.

Procedure

Such evidence shall be a signed statement from each employee indicating that they have participated in inservice, understand possible criminal and civil penalties, and promise to maintain test security as part of their obligations to the employing school board.

Inservice testing must include:

1. procedures for test security for all testing mandated by the state;
2. the importance of the testing program and test security to Louisiana education;
3. maintenance of test security as a professional responsibility and duty;
4. adverse personnel action which may result from violation of test security;
5. possible penalties for violations of Copyright Law;
6. possible criminal penalties for malfeasance in office.

Policy

The LEA shall maintain test security and shall comply with all applicable state and federal laws in the event of a violation of test security.

Procedures

Violations of test security include:

1. giving examinee access to test questions prior to testing;
2. copying, reproducing, or using all or any portion of any secure test in any manner inconsistent with test security;

3. coaching examinees during testing or altering or interfering with examinees' responses in any way;

4. making answer keys available to examinees;

5. failing to follow security regulations for distribution and return of secure test as directed, or failing to account for all secure test materials before, during, and after testing;

6. being involved in, causing, or allowing the presentation of forged, counterfeit, or altered identification for the purpose of entering a test administration site.

7. displaying any other conduct which is deemed violative of test security.

Policy

LEAs shall provide due process to any student accused of any violation of test security.

Procedures

1. The local superintendent or his/her designee shall conduct the due process hearing according to the LEAs procedure for expulsions.

2. Within 10 days of the end of the hearing, the local superintendent or his/her designee shall make a written recommendation to BESE and appropriate parties concerning his findings.

3. BESE shall then act upon the recommendations at its next regularly scheduled meeting and notify the appropriate parties of its action.

4. Any student found guilty of any violation of test security shall forfeit all scores the student received on the test and shall be ineligible to retake such test until the equivalent test cycle of the following school year.

Policy

The State Department of Education may invalidate test scores which reflect improbable gains that cannot be explained through changes in student population or instruction.

In cases where test results are invalidated, any programmatic, evaluative, or certification criteria dependent upon the data shall not have been met.

Procedure

The State Department of Education shall establish procedures to identify:

1. improbable achievement or test score in student gains in consecutive years;
2. situations in which collaboration between or among individuals occurs during any phase of test administration;
3. any other situation which may result in the invalidation of test results.

Additional Considerations

Instruction in the techniques and importance of test security shall be included as part of the training provided for school administrators through the Leadership Academy.

The Louisiana State Board of Elementary and Secondary Education shall request that colleges of education include instruction in the techniques and importance of test security within teacher training program.

The Department of Education shall be required to place notification on the front of the test booklets and the test administrator's manual as to the possible penalties for violation of test security with the exception of the commercially prepared standardized Norm Referenced Test.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 9, 1988 at the following address: State Board of Elementary and

Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Test Security Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
State printing costs should be approximately \$50. Implementation costs to the parishes will be significant, but will vary from parish to parish due to a variety of variables, i.e., size, present staff, or present policies. These costs cannot be determined at this time.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no effects on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There would be no estimated costs and/or benefits as described in this section.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There would be no effect on competition and employment.

Graig A. Luscombe Interim Deputy Superintendent of Management & Finance	David W. Hood Legislative Fiscal Analyst
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NOTICE OF INTENT

Board of Elementary and Secondary Education

Program Plan for Vocational Education

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Program Plan for the Administration of Vocational Education for one year.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

These proposed rules may be viewed in their entirety at the State Board of Elementary and Secondary Education, 626 North Fourth Street, Room 104.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Carl Perkins Vocational Education Act**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Local state match monies will total approximately \$15,645,113.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Total anticipated amount of federal funds to be received is \$18,605,456. A breakdown of estimated distributions is vo-tech schools - \$5,401,136, local school systems - \$9,580,425, and universities - \$663,552.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Students (unduplicated count) enrolled in the vocational program who will benefit from programs supported by these funds total 184,219. A breakdown of enrollments is vo-tech schools - 36,910, local school systems - 131,169, and universities (approximately) - 16,139.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Intended impact on the employment skills of the program's beneficiaries will affect the approximately 13,034 completers in the vocational education program. This population includes 8,028 secondary and 5,006 postsecondary completers.

Graig A. Luscombe Interim Deputy Superintendent of Management and Finance	David W. Hood Legislative Fiscal Analyst
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NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the FY 1988 - FY 1991 Louisiana State Plan on Aging. The purpose of the amendment is to incorporate Allen Parish into the planning and service area (PSA) currently served by Cajun Area Agency on Aging. The PSA includes Acadia, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion parishes. This amendment reduces the number of area agencies on aging in Louisiana from 35 to 34. An emergency rule adopting this amendment appears in this edition of the *Louisiana Register*.

A public hearing to receive comments on this proposed amendment to the State Plan on Aging will be held on Wednesday, July 6, 1988 in the GOEA Conference Room, 4528 Bennington Avenue, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

Interested persons may submit written comments to Betty

Johnson, Elderly Affairs Planning Specialist, Box 80374, Baton Rouge, LA 70898-0374. Comments must be received by the close of business July 22, 1988.

Bobby Fontenot
Finance Manager

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1988 - FY 1991 State Plan
on Aging Amendment #2**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to state or local governmental units resulting from this state plan amendment.
- 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 resulting from this state plan amendment.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Allen Parish Council on Aging will no longer receive funds for the development and administration of an area plan on aging. Instead, the funds will go to the Cajun Area Agency on Aging.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The effect on competition and employment is not known.

Bobby Fontenot
Finance Manager

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Under the authority of LSA-R.S. 40:1299.88 et seq., the Louisiana Cancer and Lung Trust Fund Board proposes to amend the Procedural Regulations of the board as follows:

Title 48

PUBLIC HEALTH - GENERAL

Part V. Public Health

Subpart 31. Louisiana Tumor Registry (LTR)

Chapter 83. Cancer and Lung Trust Fund Board

§8303. Membership

A. Membership of the board is determined by R.S. 40:1299.88(D) and consists of members appointed and reappointed by the governor, to serve at his pleasure, upon recommendation of each institution and organization represented: (1) a representative from Tulane University School of Medicine, (2) a representative from the Louisiana State University School of Medicine, New Orleans, (3) a representative from the Louisiana

State University School of Medicine, Shreveport, (4) a representative from the Alton Ochsner Medical Foundation, (5) a representative of the American Cancer Society, Louisiana Division, (6) a representative of the Leukemia Society of America, Inc., Louisiana Chapter, (7) a representative of the Mary Bird Perkins Cancer, Radiation and Research Foundation, Inc., (8) a representative of the Flint Goodridge Hospital, (9) a representative of the Louisiana State Medical Society, (10) a representative of the American Lung Association of Louisiana and (11) a representative of the Acadiana Medical Research Foundation.

§8305. Board Officers

A. ...

B. Officers shall serve two-year terms, beginning on the first day of October. No officer shall hold the same office more than two consecutive terms.

Changes to the Louisiana Administrative Code 48:V.8303 are required in order to comply with R.S. 40:1299.88(D) which added the Acadiana Medical Research Foundation to the existing Louisiana Cancer and Lung Trust Fund Board membership and also added the American Lung Association of Louisiana which was inadvertently omitted from the 1987 published Louisiana Administrative Code Vol. 9 p. 1255.

Changes to the Louisiana Administrative Code 48:V.8305 are in accordance with rules and regulations as established by the board as authorized by R.S. 40:1299.88(E)(1).

Interested persons may submit written comments or questions to Joseph D. Kimbrell, Deputy Assistant Secretary of Programs, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Cancer and Lung Trust Fund Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs or savings to state or local governmental units as a result of this proposed rule.
- 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 this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health intends to amend the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program found in the *Louisiana Register*, Vol. 13, No. 9, page 500 (September 20, 1987).

**Title 48
PUBLIC HEALTH - GENERAL
Part V. Preventive Health Services
Subpart 13. Family Planning Services**

Chapter 37. Fees

§3703. Fee Adjustment Schedule

B. Persons whose adjusted income in accordance with family size is at or below 100 percent of poverty as is defined by the United States Community Services Administration poverty guidelines shall not be charged for Family Planning Services. Persons whose gross family income is at or above 250 percent poverty as is defined by the United States Community Services Administration poverty guidelines shall be charged the full cost of services provided. Between these two levels, fees shall be adjusted in accordance with the formula included in the "Schedule of Charges". Effective August 20, 1988 the current fee schedule shall be revised as follows:

% Poverty Income	I 100% or Less No Charge	II 101% - 115% of Cost	III 116% - 130% of Cost	IV 131% - 145% of Cost	V 146% - 160% of Cost
Family Size 1	5,770	6,347	6,924	7,501	8,078
2	7,730	8,503	9,276	10,049	10,822
3	9,690	10,659	11,628	12,597	13,566
4	11,650	12,815	13,980	15,145	16,310
5	13,610	14,971	16,332	17,693	19,054
6	15,570	17,127	18,684	20,241	21,798
7	17,530	19,283	21,036	22,789	24,542
8	19,490	21,439	23,388	25,337	27,286
9	21,450	23,595	25,740	27,885	30,030
10	23,410	25,751	28,092	30,433	32,774
11	25,370	27,907	30,444	32,981	35,518
12	27,330	30,063	32,796	35,529	38,262
13	29,290	32,219	35,148	38,077	41,006
14	31,250	34,375	37,500	40,625	43,750
15	33,210	36,531	39,852	43,173	46,494
16	35,170	38,687	42,204	45,721	49,238
17	37,130	40,843	44,556	48,269	51,982

% Poverty Income	VI 161% - 175% of Cost	VII 176% - 190% of Cost	VIII 191% - 205% of Cost	IX 206% - 220% of Cost	X 221% - 235% of Cost	XI 236% - 250% of Cost
Family Size 1	8,655	9,232	9,809	10,386	10,963	11,540
2	11,595	12,368	13,141	13,914	14,687	15,460
3	14,535	15,504	16,473	17,442	18,411	19,380
4	17,475	18,640	19,805	20,970	22,135	23,300
5	20,415	21,776	23,137	24,498	25,859	27,220
6	23,355	24,912	26,469	28,026	29,583	31,140
7	26,295	28,048	29,801	31,554	33,307	35,060
8	29,235	31,184	33,133	35,082	37,031	38,980
9	32,175	34,320	36,465	38,610	40,755	42,900
10	35,115	37,456	39,797	42,138	44,479	46,820
11	38,055	40,592	43,129	45,666	48,203	50,740
12	40,995	43,728	46,461	49,194	51,927	54,660
13	43,935	46,864	49,793	52,722	55,651	58,580

% Poverty Income	VI 161% - 175% of Cost	VII 176% - 190% of Cost	VIII 191% - 205% of Cost	IX 206% - 220% of Cost	X 221% - 235% of Cost	XI 236% - 250% of Cost
Family Size 14	46,875	50,000	53,125	56,250	59,375	62,500
15	49,815	53,136	56,457	59,778	63,099	66,420
16	52,755	56,272	59,789	63,306	66,823	70,340
17	55,695	59,408	63,121	66,834	70,547	74,260

This action to revise the Fee Adjustment Schedule is the result of changes in the federal regulations governing this federally funded program as set forth in 42 CFR 59.5A5 dated June 30, 1980. In essence, the federal regulation requires the state agency administering the program to adopt the most recent poverty guidelines as published by the U. S. Office of Management and Budget. The most recently announced federal guidelines were promulgated on February 12, 1988, page 4213-4214 in the Federal Register Volume 53, No. 29.

Interested persons may submit written comments at the following address: Joseph D. Kimbrell, Deputy Assistant Secretary of Programs, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

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

Rule Title: Family Planning Program/Revised Fee Adjustment Schedule

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no expected increase in costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No change is expected in revenue collections with this revision of the fee schedule for Fiscal Year 1988/89.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Some patients who were previously charged will not be because of the rise in the poverty index. The charges to other paying patients will be considerably less because they will be dropped to a lower paying group. However, the persons at the upper levels of the scale will pay more. These offsetting differences will result in no net fiscal impact as a result of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated in competition and employment as the same kind and amount of services will be offered.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Secretary

The Department of Health and Hospitals, Office of the Secretary, Gary W. Project Office, proposes to amend the policy for reporting alleged abuse, neglect, mistreatment and/or deaths of Gary W. classmembers.

In accordance with *Gary W. et al vs. State of Louisiana et al.*, Civ. A. No. 74-2412, the department will implement the policy and procedures for abuse/neglect incident reporting guidelines for providers of services to Gary W. classmembers. The proposed policy would amend the DHH Abuse/Neglect policy, LR 13:299 (May, 1987). It will ensure a more effective, efficient and responsive system of reporting incidents concerning Gary W. classmembers while ensuring the classmembers are protected from harm and are provided safe environments. This has been accomplished by clarifying the abuse/neglect and mistreatment incident reporting categories and incident reporting procedures. The amended policy also streamlines the incident reporting process for Gary W. classmembers living independently and in small facilities.

Also published in this issue of the *Louisiana Register* is the Emergency Rule on this subject.

Interested persons may submit written comments on the proposed rule by July 1, 1988, and may obtain copies of the proposed rule from the following address: Rosemary I. Estes, Office of the Secretary, Gary W. Project Office, Box 3776, 755 Riverside, Room 243, Baton Rouge, LA 70821.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Reporting Incidents on Gary W. Classmembers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule utilizes existing resources and reorganizes resources currently used in the Abuse/Neglect System. The initial implementation cost has been projected to be a one time expense of \$65,860 which will be used to train the more than 500 DHHR and private provider staff who will be effected by this rule change. Monies for Gary W. Training are included in the existing budgets of the respective program offices. No additional funds are being requested. Any additional full time employees which may be required will be obtained through the reassignment of individuals currently within the department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There should be no cost and/or economic benefit to directly effected persons or non-governmental groups as the

proposed rule clarifies and re-organizes an existing procedure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should not affect competition and employment as no new employees are to be hired.

David L. Ramsey
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Radiologic Technology Board of Examiners

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the Radiologic Technology Board of Examiners has approved the amendment of LAC 46:LXVI.103 regarding those persons required to be in compliance with R.S. 37:3200-3219.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXVI. Radiologic Technologists Chapter 1. Implementation of the Medical Radiation Health and Safety Act

§103. Applicability

All persons using radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes shall be responsible for compliance in accordance with the provisions of this Chapter (refers to R.S. 37:3200-3219) and the provisions of these rules and regulations.

Persons interested in commenting may do so by writing to the Radiologic Technology Board of Examiners, Box 791290, New Orleans, LA 70179.

Alice Dausat
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: §103. Applicability Amendment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The adoption of this rule change will not cause any state or local governmental unit to incur any additional costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Alice Dauzat, R.T.
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners for Speech Pathology and Audiology**

The Louisiana Board of Examiners for Speech Pathology and Audiology hereby gives notice in accordance with law that it intends to adopt LAC 46:LXXV. Chapter 1, as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXV. Speech Pathology and Audiology

Chapter 1. General Rules

§103. Definitions

As used in these regulations, the following terms and phrases, which have not already been defined in Title 37. La. Revised Statutes, Sections 2651-2665, shall have the meanings specified:

A. *On-site observations* means that the supervisor actually observes the restricted licensee engaging in a specified activity with his/ her client or student.

B. *Direct supervision* means a minimum of 12 to 15 monitoring activities of a restricted licensee by a full valid licensee during a nine-to-12 month period, with at least four of these monitoring activities to be on site observations, divided between the areas of diagnostics and management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14:

§105. Qualifications For Licensure

A. Full Valid Audiology License

In order to qualify for a full valid license to practice audiology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in audiology, or its equivalent as defined in R.S. 37:2659(2); and
3. obtain a minimum score of 600 on the Audiology Section of the National Teachers Examiners (NTE); and
4. complete at least 300 clock hours of supervised, direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs; and
5. present evidence of at least nine months of full-time employment as an audiologist following the completion of all other requirements for the license sought.

B. Restricted Audiology License

1. In order to qualify for a restricted license to practice

audiology in Louisiana, an applicant must:

- a. be of good moral character; and
- b. hold a Master's Degree in audiology, or its equivalent as defined in R.S. 37:2659(2); and
- c. obtain a minimum score of 600 on the Audiology Section of the National Teachers Examination (NTE); and
- d. complete at least 300 clock hours of supervised direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs.

2. Holders of a restricted license in Audiology are permitted to practice in Louisiana only while under the direct supervision of an audiologist holding a full valid license from this board.

C. Full Valid Speech Pathology License

In order to qualify for a full valid license to practice speech pathology in Louisiana, an applicant must:

1. be of good moral character; and
2. hold a Master's Degree in speech pathology, or its equivalent as defined in R.S. 37:2659(2); or
3. hold a Baccalaureate Degree with a major in speech pathology, together with a current Type A or Type B teaching certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
4. obtain a minimum score of 600 on the Speech Pathology Section of the National Teachers Examination (NTE); or hold a current Type A or Type B teaching certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
5. complete at least 300 clock hours of supervised direct clinical experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs; and
6. Present evidence of at least nine months of full-time employment as a speech pathologist following the completion of all other requirements for the license sought.

D. Restricted Speech Pathology License

1. In order to qualify for a restricted license to practice speech pathology in Louisiana, an applicant must:

- a. be of good moral character; and
- b. hold a Master's Degree in speech pathology, or its equivalent as defined in R.S. 37:2659(2); or
- c. hold a Baccalaureate Degree with a major in speech pathology, together with a current Type A, Level I; Type B, Level I; or Type C, Level I teaching certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
- d. obtain a minimum score of 600 on the Speech Pathology Section of the National Teachers Examination (NTE); or hold a current Type A, Level I; Type B, Level I; or Type C, Level I teaching certificate issued by the Louisiana State Board of Elementary and Secondary Education which certifies the applicant as a specialist of speech, language and hearing; and
- e. complete at least 300 clock hours of supervised direct clinic experience with persons having a variety of communication disorders. This experience is obtained through the training institution or in one of its cooperating programs.

2. Holders of a restricted license in Speech Pathology are permitted to practice in Louisiana only while under the direct

supervision of a speech pathologist holding a full valid license from this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§107. Fees

This board collects the following fees, which are non-refundable, and which are payable only by certified check, cashier's check or money order:

Initial Louisiana license	\$50
Renewal of license	\$35
Delinquent renewal of license	\$50
Duplicate copy, full valid license	\$10
Duplicate copy, restricted license	\$5

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§109. License Renewals

A. All licenses are renewed annually on June 30.

B. Renewal notices are mailed by the board to current licensees on April 15, and requests and fees for renewals are due not later than June 30.

C. Delinquent requests for renewals will be accepted by the board through July 31, provided the delinquent renewal fee is paid.

D. Licensees who allow their licenses to lapse by not renewing them before July 31 will be required to make a complete new application to the board for a license, and will be required to meet the qualifications required by law as they exist at the time of the new application.

E. Initial licenses issued during the last quarter of the fiscal year, i.e., during April, May and June, will not be required to be renewed for the following year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§111. Application Procedure

A. An application for a license to practice speech pathology and/or audiology in Louisiana must be made on forms supplied by this board.

B. In order to verify the academic degrees held by an applicant, or their equivalent, official transcripts must be sent to this board directly from the college or university from which the academic requirements were earned.

C. The supervised clinical experience required to obtain a license must be verified by the college or university where the experience was obtained and submitted only on that college or university's reporting forms.

D. All fees submitted to this board must be paid by certified check, cashier's check or money order only.

E. The nine months of professional experience required to obtain a full valid license must be completed after all other license requirements have been completed.

F. While an application for a license is being considered by this board, the applicant may be employed as a speech pa-

thologist or audiologist or speech-language-hearing specialist for a period not longer than 60 days from the date that his/her application is acknowledged to have been received by this board, but in no event after the applicant is notified that his/her application has been denied by this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§113. Supervision Requirements of Restricted Licensees

A. Restricted licensees are required to undergo direct supervision by a full valid licensee in the field in which the restricted license is held.

B. The direct supervision of a restricted licensee must include 12 to 15 monitoring activities annually, at least four of which must be on site observations divided between the areas of diagnostics and management, as specified on the board's Form 100, entitled "Supervision Guidelines for Restricted Licensees."

C. The board's Form 100 must be submitted to the board annually by each restricted licensee, following completion of the supervision plan. All other licensees must submit Form 100 no later than July 10 of each year: licensees employed in the public schools must submit Form 100 within 10 days after the end of the school year.

D. All costs of supervision must be borne by the restricted licensee or his/her employer, but in no event will those costs be borne by this board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§115. Disciplinary Proceedings

A. This board may suspend or revoke a license which it has issued upon proof of any of the causes set out in R.S. 37:2662 or 2664.

B. When this board has cause to believe that a licensee has violated any portion of R.S. 37:2662 or 2664, the board shall so advise the applicant in writing, setting forth grounds on which it believes a violation has occurred, setting forth the sanctions which are mandated or permitted for such violation(s), and provide the licensee with the opportunity for a hearing pursuant to R.S. 37:2663 and 40:955-958. Unless waived by the licensee, the board's findings of fact, its conclusions of law, and decision as to the sanctions to be imposed, if any, shall be made in writing and served upon the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§117. Licensure By Reciprocity

The board may waive the examination for applicants who present proof of current licensure or certificate in another state with standards equivalent to those of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2651-2665.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology, LR 14: .

§119. Additional Requirements For Foreign Graduates

A. Any document required to be submitted to the board with an application for a license must be in the English language, or accompanied by a certified translation thereof into the English language.

B. As a condition to the board's consideration of the license application of a graduate of a foreign college or university, the board must receive an evaluation of the applicant's transcript from an approved credentials evaluation agency. A list of approved agencies, and their addresses, may be obtained from the board.

C. Because the essence of the practice of speech pathology and audiology is communication, a foreign graduate shall, by appointment, make a personal appearance before a member of this board or its designee before a license can be issued.

Interested parties may submit written comments to Dianne P. Orlesh, Chairperson, LBESPA, Box 355, Prairieville, LA 70769, through 5 p.m. on July 8, 1988.

A public hearing is scheduled for 10 a.m. on June 29, 1988, at the Louisiana State Library Auditorium, 760 Riverside Drive, Baton Rouge, LA 70804, to hear objections and comments on the foregoing.

Dianne P. Orlesh
Chairperson

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The rules and regulations represent a consolidation of the Louisiana Board of Examiners for Speech Pathology and Audiology's policies and procedures that have been in use since the enactment of the law in 1972, amended 1978. The board's annual operating budget is \$62,000 (self-generated funds).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no changes in the board's revenues based on the promulgation of these rules and regulations. The board collects \$62,000 annually in revenues from license fees and renewals from licensees. All funds are self-generated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are approximately 2,050 licensed speech pathologists and/or audiologists in the State of Louisiana at the current time. The initial license fee is \$50 and the annual renewal fee is \$35.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
L.R.S. 37:2651-2665 mandated effective July 1, 1972, amended July 1, 1978, that any person in Louisiana representing themselves as speech pathologists or audiologists be licensed in accordance with this act, in order to protect the

health, safety and welfare of the citizens of the State of Louisiana.

Suzanne L. Pevey
Executive Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of Mineral Resources**

Pursuant to the authority of Act 13 of the 1988 1st Extraordinary Session of the Louisiana Legislature, the Department of Natural Resources-Office of Mineral Resources hereby gives notice that a public hearing will be held at 9 a.m. on June 24, 1988, in the Conservation hearing room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased to meet the anticipated departmental cost for providing state services.

Fees being considered for imposition or increase are the following:

Mineral Lease Maintenance fee of \$1.50 per acre for acreage presently under lease.

Fee for new mineral leases equal to 10 percent of cash payment to be submitted at time of execution of lease.

Fee of \$100 for processing assignments affecting state leases.

Fee of \$500 processing unitization agreements and other advertised instruments.

Fee of 5 percent of amount found due in underpaid royalties, not to exceed \$50,000 per audit, to defray costs of auditing mineral lessees (based on average of \$8,000,000 per year audit collections).

Persons wishing to obtain copies of the proposed fees or additional information should contact Ed Rhorer at 342-4615. Written comments will be accepted at the Office of Mineral Resources, Box 2827, Baton Rouge, LA 70821-2827, before the close of business hours June 24, 1988.

Raymond W. Stephens, Jr.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Mineral Lease Fee Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of these new fees will increase expenditures of the Office of Mineral Resources by \$40,000. This cost is associated with three additional employees to manage the billing and accounting for fee receipts. The fee collections will be used to replace state general fund dollars that have historically financed the operations of the Office of Mineral Resources.

Although not directly related to the text of the rule, but as a result of the fees collected, the office also plans to increase several activities related to mineral income collections. The total estimated cost of these new or expanded activities is \$2,868,430 per year. These activities include:

1. DNR personnel - The proposal will set up teams consisting of a geologist, engineer, auditors and attorney. The respective teams will identify, research, actively pursue and enforce the state's interests, to audit and collect various underpayments and litigate where necessary. Technicians will be responsible for maintenance of lease records, retrieval of records and clerical records on all applicable oil and gas leases. The draftsmen will prepare plats and exhibits for voluntary unitization hearings. These positions will also assist in lease development, unitization, timelessness of shut in and other payments, partial release of acreage and record research.

- Geologist (3)
- Engineers (3)
- Attorneys (3)
- Mineral Lease Technician (3)
- Public Land and Lease Specialist (1)
- Landmen (2)

Personal services cost is based on funding for nine months.

Total Salaries	\$252,217
Related Benefits	56,064
Total Personal Services	308,281
Travel	30,000
Operating Services	21,751
Supplies	5,000
IAT (Indirect Cost)	131,342
Acquisitions	33,968
Total DNR Personnel and related expenses	\$530,342

2. Texaco Audit - This audit is considered a special project of approximately 3-5 years. The audit will utilize personnel listed below for the project period only. Personal services is based on nine months of funding.

- Mineral Revenue Auditor (2)
- Accounting Specialist II (2)
- Legal Secretary (2)
- Attorney (1)
- Paralegal Assistant (2)
- Information Systems Application Programmer (1)

Total Salaries	\$ 176,512
Other Compensation	19,812
Related Benefits	23,637
Total Personal Services	219,961
Operating Services	63,084
Supplies	1,000
Acquisitions	9,256
Total Other Charges Texaco Audit	\$ 293,301

3. Office of the Attorney General - There are over 20 suits pending, which are the subject of disputes concerning ownership of state-claimed lands and waterbottoms involving \$10 million in royalties. There is over \$14 million in royalties in escrow attributable to pending matters involving title claims. Additionally, there is presently pending over \$40 million in royalty audits which have been conducted by the staff

of the Office of Mineral Resources which is as yet uncollected due to underlying issues that have been contested by audited companies.

The attorney general's office will pursue litigation of the aforementioned situations on behalf of the State Mineral Board. \$ 779,091

4. Texaco Litigation - The CPA firm of Ernst and Whinney is being retained to oversee certain portions of the audit due to the complexity and sensitive nature of the audit. Expert witnesses, private investigators, trial attorneys and specialized computer security will be employed in an effort to protect the state's interest in every aspect of the audit. \$1,200,000

5. Department of Revenue and Taxation - The three auditors will be added to the table of organization for the Department of Revenue and Taxation, however, their work assignment will be the Office of Mineral Resources at the Department of Natural Resources.

Salaries and related expenses \$ 75,696

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The six fees imposed by these rules will generate an estimated \$5,624,600 in the first full year. These monies are self-generated revenues that will be used to operate and enhance the Office of Mineral Resources. The estimated amounts generated by each fee in the first year are as follows:

Lease Maintenance fee of \$1.50 per acre for acreage presently under lease	
\$1.50 × 1,700,000 net acres	\$2,550,000
Fee for new leases equal to 10 percent of cash payment to be submitted at time of execution of lease	
10% × 22,600,000	
(average of last two years bids)	\$2,260,000
Fee of \$100 for processing assignments affecting state leases	
\$100 × 866	
(assignments processed, 1987)	\$ 86,600
Fee of \$500 processing unitization agreements and other advertised instruments	
\$500 × 104	
(instruments processed, 1987)	\$ 52,000
Fee of \$120 annually (\$10 per month) for subscription to Notice of Publication	
\$120 × 2,300	
(presently on mailing list)	\$ 276,000
Fee of 5 percent of amount found due in underpaid royalties, not to exceed \$50,000 per audit, to defray costs of auditing mineral lessees (based on average of \$8,000,000 per year audit collections)	\$ 400,000
TOTAL - Additional fees and charges	\$5,624,600

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The fees imposed will be paid by oil and gas industry firms which lease state mineral rights or request state regulatory action affecting state or private mineral leases. Subscribers to the Notice of Publication will also pay a fee for what is now a free publication.

Mineral lessees may also be required to pay greater royal-

ties (as well as audit fees) than they currently pay due to the enhanced audit and collections programs implemented with the fees that are imposed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. However, it is anticipated that the impact if any will be small.

Mary Mitchell
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

The Secretary of the Department of Natural Resources hereby gives notice that, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., he intends to amend the Regulations for Administration of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 et seq.

Regulations for Administration
of the Fishermen's Gear Compensation Fund
Section 1. DEFINITIONS, is amended as follows:

(3) "Satisfactory Proof", as it relates to demonstrating a primary source of income, means state and federal income tax returns, together with related financial data.

The remainder of the definition (or, sworn affidavit of a Louisiana commercial seafood wholesale outlet operator that claimant conducts an ongoing commercial seafood supply trade with such wholesaler, as evidenced by receipts or other proof of trade; or, any other information deemed to be relevant and sufficient in the discretion of the Regulatory Authority.) is deleted.

Copies of the proposed amendment may be obtained from the Department of Natural Resources, Legal Division, Box 94396, Baton Rouge, LA 70804, (504) 342-0122. The text of the amendment may be reviewed during normal business hours at 625 North Fourth Street, Room 1315, Baton Rouge, LA 70802.

Written comments regarding the amendment may be submitted no later than July 20, 1988, and may be mailed to: Department of Natural Resources, Legal Division, Box 94396, Baton Rouge, LA 70804.

Raymond W. Stephens, Jr.
Secretary

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

Rule Title: Fishermen's Gear Compensation Fund definition of satisfactory proof of Primary Source of Income

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs or savings in implementing these changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

During the first fiscal year in which the changes are in effect, perhaps many persons will be induced to file state income tax returns, because failure to submit state tax returns is a disqualification from participation in the Fund. Therefore, there may be some increased state revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

In order to continue participation in the Fund, otherwise qualified fishermen will file state tax returns yearly, thereby deriving the economic benefit of reimbursement for lost or damaged fishing gear.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Mary Mitchell
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Juvenile Services**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections advertises its intent to revise LAC 22:I.308 promulgated by the Department of Public Safety and Corrections, on January 20, 1988. Said rules provided for the assignment and reassignment of juvenile offenders disposed by the juvenile courts to the custody of the Department of Public Safety and Corrections. The revision of said rules provides for a more efficient and effective means of assigning and reassigning juveniles committed to the custody of the department.

The text of the new rules may be found in the May 20, 1988 issue of the *Louisiana Register* in the Emergency Rule Section.

Interested persons may submit comments on the proposed rule changes until August 10, 1988, to Don Wydra, Assistant Secretary of Juvenile Services, Box 94304, Baton Rouge, LA 70804-9304.

Bruce Lynn
Secretary

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

Rule Title: LAC 22:I.308, Juvenile Offender Custody and Transfer

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of these rule revisions will reduce previously anticipated costs related to the conduct of offender appeals and reviews of assignment decisions. Because all

appeals will be heard for male offenders locally (Baton Rouge). costs for travel for that purpose will not occur. Appeals for female offenders will continue to require travel to Ball, Louisiana. Cost avoidance of up to \$2,000 may be expected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of these rule revisions will not result in any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Implementation of these rule revisions will not result in any costs and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of these rule revisions will not result in any effect on competition and employment.

Bruce N. Lynn
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Management and Finance**

The Department of Public Safety shall implement a new pricing policy for fiscal year 1988/89 for contractual agreements which require multiple updates over a period of time for motor vehicle registration and drivers license records. The rate for this service has been increased from \$.02 per record to \$.025 per record.

Pricing and conditions for computerized data base information are as follows:

All initial inquiries will be directed to Marcus L. Johnson at 925-6032. Rates will be updated each fiscal year or as legislative statutes change. For one time requests, a minimum deposit of one half the estimated cost is required. For contractual agreements which require multiple updates over a period of time, the customer must provide a bond or a certified check covering three billing cycles of the estimated amount.

I. Pricing policy for Motor Vehicle, Drivers License, and Alcoholic Beverage Control master record data extracted using standard utility programs available for one time runs.

A. Parish and Municipal Governments - Requested Less Than 25,000 Records

5,000 or less records	\$100
10,000 or less records	\$200
15,000 or less records	\$300
20,000 or less records	\$400
25,000 or less records	\$500

State, Parish and Municipal Governments - Requesting Greater Than 25,000 Records

Basic Programming Fee	\$500
First 50,000 records	\$.01 each
Next 100,000 records	\$.005 each

Next 850,000 records	\$.025 each
All additional records	\$.00125 each
C. All Non-Governmental Bodies	
Basic Programming Fee	\$500
First 50,000 records	\$.03 each
Next 100,000 records	\$.02 each
Next 850,000 records	\$.01 each
All additional records	\$.005 each
D. Cost of Supplies	

II. Pricing policy for contractual agreements which require multiple updates over a period of time is as follows:

- A. cost of programmer work hours at \$50 per hour
- B. setup cost for Data Control and Operations as applicable (\$25 per hour)
- C. flat rate charge of \$.03 per record
- D. cost of supplies

III. Pricing policy for customized one time request is as follows:

- A. cost of programmer work hours at \$50 per hour
- B. record pricing policy reflected in Section I
- C. cost of supplies

IV. Pricing policy for subscriptions to continually updated printed reports requested by non-governmental bodies will be determined on an individual basis.

V. Pricing policy for copies of preprinted in-house statistical reports is \$1 per page plus postage for current information. Copies of non-current reports, past years, are \$25 each.

VI. Copies of an individual's own public record requested by an indigent citizen of Louisiana shall be furnished free of charge.

VII. Interested persons may submit their comments in writing to: Marcus L. Johnson, Director of Information Services, Department of Public Safety and Corrections, Box 66614, Baton Rouge, LA 70896. Comments must be received by close of business July 15, 1988.

Marlin A. Flores, Colonel
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sale of Data Base Information**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be estimated implementation costs of 650 hours of overtime for computer programmers @ \$15 per hour for a total of \$9,750.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Based on current \$50,000 collections, there will be an estimated increase in revenue of approximately \$25,000 for all non-statutory changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be increased costs to affected persons or non-governmental groups of \$25,000 due to the increase.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Rexford L. McDonald
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules relative to health maintenance organizations.

1. Any health maintenance organization (HMO) or other prepaid medical benefits plan seeking to solicit the membership of employees of the state, its agencies or political subdivisions shall be subject to the regulations and requirements as set forth below, unless:

a. the HMO provides evidence of federal qualification under Section 1301 of P.L. 93-222 (Health Maintenance Organization Act of 1973, as amended), and unless

b. the HMO has activated the dual-choice mandate as provided for in Section 1310 of the Act.

2. For purposes of these regulations the term *HMO* is defined as any legal entity which has received a certificate of authority from the Louisiana commissioner of insurance to operate as a health maintenance organization in Louisiana.

3. The Board of Trustees of the State Employees Group Benefits Program specifically reserves the right to disapprove the application of any HMO if, in the opinion of the board, the approval of the application would not serve the best interests of state employees, retirees, and their dependents.

4. In the event the HMO seeks to solicit the membership of employees of the state, its agencies or political subdivisions who reside in a service area other than one previously approved by the Board of Trustees, a separate application for the additional service area shall be required.

GENERAL INFORMATION

The HMO shall furnish the following information:

1. proof that it has received a certificate of authority from the Louisiana commissioner of insurance to operate as an HMO in the state of Louisiana, together with a copy of its application to the commissioner for this certificate;

2. a copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

3. an accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan;

4. a statement describing the HMO's service area by zip code;

5. a participating HMO shall be required to notify the Board of Trustees of its intent to renew its agreement with the program not less than 120 days prior to January 1. The board may require actuarial justification of the HMO's renewal rate and benefit structure. In any event, the Board of Trustees shall advise

the HMO of its intent to accept or reject these rates and benefits no less than 60 days prior to January 1.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

Subject to applicable federal laws, there shall be no more than three HMOs in each general service area. Should more than three HMOs desire to offer their coverage in a service area, the names of these HMOs will be placed on a waiting list kept in chronological order by date of application. Should an opening develop in a service area, the first HMO on the waiting list will be allowed to offer its coverage during the next enrollment period.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its agreement due to financial hardship or insolvency.

The HMO shall agree to hold any plan member or dependent harmless from any liability or cost for health maintenance services rendered during enrollment in the HMO, except as may be specifically provided for in the group contract and individual certificates of coverage.

INITIAL ENROLLMENT AND EFFECTIVE DATE

1. The initial enrollment period shall be the month of November following the approval of the HMO by the board. The initial effective date shall be the January 1 next following the completion of this enrollment period.

2. The state shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

3. The state shall provide a letter of introduction by the executive director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

4. The state shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

5. The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the state plan at the time he elects HMO membership.

6. All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

7. During the time an HMO has access to state employees, all marketing material, including written communications, published advertisements, radio and television commercials, etc., shall be submitted to and approved by the State Employees Group Benefits Program prior to issue.

COMPUTER INTERFACING

1. The state shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

2. The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

PREMIUM BILLING AND TRANSFER

1. The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

2. The state shall transfer the reconciled membership fees

to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

3. The state shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the agreement between the state and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date (January 1).

RATES

1. The HMO shall charge membership fees that are divisible by a number as shall be set forth by the Group Benefits Program.

2. Rates shall be guaranteed for no less than a 12-month period following initial effective date and thereafter shall be changed no more often than once a year and only on the annual re-enrollment date.

3. Notice of premium adjustments shall be given the state at least 120 days prior to the proposed effective date of such adjustment.

4. The HMO shall use a rate structure with classifications compatible with those used by the State Employees Group Benefits Program. The HMO shall provide justification, if required by the board, for board approval, of the rate differential between classes of contracts.

ELIGIBILITY

1. The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

2. The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the state program.

3. The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death. Such continuation provisions shall be identical to those of the Group Benefits Program. Such continuation shall be provided at the benefit level of the group contract and at a cost no greater than comparable monthly premiums charged by the HMO for like classes of group membership. The HMO shall also provide for continuation of coverage under other circumstances as may be required by the program's eligibility provisions or as may be required by state or federal regulations.

4. During initial enrollment and each subsequent annual re-enrollment, the HMO shall offer membership to eligible active employees and eligible retirees on an equal basis.

PRE-EXISTING CONDITIONS

1. The HMO shall impose no limits on coverage for pre-existing conditions for state employees electing membership during their initial period of eligibility.

2. If a state employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO, unless prohibited by federal law or regulation, shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

TRANSFERS AND TERMINATIONS

1. The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

2. Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

3. The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

4. The HMO shall allow individual conversions for a 30-day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Terminations of the agreement shall not constitute individual termination for purpose of conversion.

5. No individual membership shall be terminated by the HMO except for just cause.

6. Should the HMO discontinue services for all of its membership in general or for state employees and their dependents in specific, notification shall be given to the Board of Trustees by the HMO not less than 90 days prior to the discontinuance of service. All plan members participating in that HMO will be automatically transferred into the State Employees Group Benefits Program's indemnity plan. There will be no pre-existing condition limitation unless the plan member or dependents had a pre-existing condition limitation with the State Employees Group Benefits Program at the time of the transfer to the HMO. The program shall not be responsible for costs for medical services incurred prior to the effective date of transfer. Should a plan member or dependent be confined in a hospital on the effective date of their transfer from the HMO to the state program, the HMO shall remain responsible for that confinement until the discharge.

7. The Board of Trustees specifically reserves the right to cancel any agreement between the board and the HMO, with or without cause, with notification to be furnished the HMO not less than 60 days prior to cancellation.

NONDUPLICATION OF COVERAGE

1. If a husband and wife are both state employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the state program. Dual coverage shall not be allowed.

2. If a husband and wife are both state employees and have elected single coverage, each may choose membership in either the HMO or the state program.

3. Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any state employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the state program nor a qualified dependent covered under the state program.

b. No benefits will be payable under the state program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

DISCLOSURE

1. The HMO shall issue to each employee a description of benefits to which he is entitled under the agreement between the HMO and the state of Louisiana.

2. The evidence of coverage shall contain a clear, concise and complete statement of:

- a. the health care services and the insurance or other benefits, if any, to which the member is entitled;
- b. any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;
- c. where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;
- d. the HMO's method for resolving enrollee complaints;
- e. conditions of eligibility for employees and their dependents;
- f. conditions under which an individual's membership may be terminated.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on August 9, 1988, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Health Maintenance Organizations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs/savings to state or local governmental units as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units as a result of this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rules could have an economic impact on state employees who are current or prospective members of HMO's and on HMO's themselves by restricting enrollment periods. The rules reduce the length of the annual open enrollment period for new HMO's from 60 days to 30 days and eliminate the currently required 30-day open enrollment period following termination or service by an HMO. In the latter case, HMO members would be automatically transferred back into the State Employees Group Benefits indemnity plan, although they would still have the option of joining another HMO at the next annual open-enrollment. Group Benefits has included this provision because in the event of an HMO failure, other HMO's in some areas do not currently have the capacity to accept additional members.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rules will restrict the number of HMO's in a general service area to no more than three. This could limit competition in those areas where potentially more than three HMO's would participate.

Furthermore, during the time an HMO has access to state employees, all marketing materials, including written communications, published advertisements, radio and television commercials, etc., shall be submitted to and approved by the State Employees Group Benefits Program prior to issue. Current practice is to require submittal of marketing materials upon initial application. The proposed rule would expand this requirement to include prior approval of any market material or advertisement at any point in time. While this provision could have an impact on the ability of an HMO to market its services and solicit membership the stated intent of Group Benefits is to insure accuracy of any description of benefits offered by the State Employees Group Benefits Program.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana Wildlife and Fisheries Commission has developed a regulation prohibiting the method of taking geese known as "goose creeping." This action was taken at a public hearing on May 17, 1988 at 2000 Quail Drive, Baton Rouge, LA. Authority to establish rules is vested in the Commission by Section 115 of Title 56 of the Louisiana Revised Statutes of 1950.

In general, this proposal makes it unlawful to approach geese by creeping, crawling, or stalking for the purpose of taking geese or thereafter causing geese to be taken. "Take" shall be defined as the attempt or act of pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding or killing by any means or device.

Interested parties may submit their views in writing to Hugh A. Bateman, Administrator, Game Division, Department of Wildlife and Fisheries, Box 11570, Baton Rouge, LA 70895.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 56 - Sec. 115**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no estimated implementation costs to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no estimated effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule will have no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no estimated effect on competition and employment.

Hugh A. Bateman
Administrator

David W. Hood
Legislative Fiscal Analyst

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Although these regulations specifically prohibit commercial fishing and crabbing on the refuge areas, it is estimated that affected groups will not suffer any detrimental economic effects because there are commercial grounds in proximity to the refuges with readily available harvests.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that implementation of these regulations will have no effect on competition or employment.

Johnnie W. Tarver
Administrator

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Fur and Refuge Division manages approximately 500,000 acres of wetlands in the coastal zone that includes both refuges and wildlife management areas. In compliance with the Deeds of Donation only certain activities are permitted on the refuges. To promote and encourage wildlife habitat utilization by both wildlife species and user groups, rules and regulations are required governing the uses. Adjustments made to the resolutions approved by the Louisiana Wildlife and Fisheries Commission appear in the record throughout many years. In order to simplify and clarify the existing rules and regulations for publication in the Administrative Code, Title 76, the Louisiana Wildlife and Fisheries Commission is readopting each set dealing with all refuges and wildlife management areas.

The regulations governing those activities and areas may be viewed at the Quail Drive office off Perkins Road in Baton Rouge, LA. (504)765-2344.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

Virginia Van Sickle
Secretary

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

Rule Title: Refuges and Wildlife Management Areas

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that implementation of these regulations will not cause state or local governmental units to incur any additional costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that implementation of these regulations will not effect revenue collections of state or local governmental units.

Potpourri

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund published in the *Louisiana Register* on August 20, 1980, notice is given that 13 claims amounting to \$32,353.34 were received during the month of May, 1988. During the same month, 36 claims amounting to \$52,234.24 were paid.

No hearings are scheduled for the month of June.

Raymond W. Stephens, Jr.
Secretary

POTPOURRI

**Department of Revenue and Taxation
Tax Commission**

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisals and/or assessment and the degree of uniformity of the assessment for Sales to Assessment Ratio Study of Residential, Appraisal Ratio Study of Commercial Buildings and Appraisal Ratio Study of Residential (Whole Properties) in Orleans Parish for Tax Year 1988. This data shall constitute prima facie evidence of the uni-

formity or lack of uniformity with constitutional and/or statutory requirements for each district in the Parish.

SALES TO ASSESSMENT RATIO STUDY OF RESIDENTIAL

DISTRICT	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
1st M.D.	9.4	8.9	27.8
2nd M.D.	8.6	8.4	20.8
3rd M.D.	8.4	8.1	22.2
4th M.D.	9.6	9.6	31.3
5th M.D.	10.4	10.2	16.7
6th M.D.	8.5	8.4	21.2
7th M.D.	8.6	8.6	19.0

APPRAISAL RATIO STUDY OF COMMERCIAL BUILDINGS

DISTRICT	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
1st M.D.	13.7	14.3	12.4
2nd M.D.	13.6	14.0	15.8
3rd M.D.	14.3	13.6	34.1
4th M.D.	14.1	13.5	40.3
5th M.D.	14.6	14.4	14.0
6th M.D.	15.8	15.0	20.8
7th M.D.	14.9	14.9	18.7

**APPRAISAL RATIO STUDY OF RESIDENTIAL
(WHOLE PROPERTIES)**

DISTRICT	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
1st M.D.	9.7	10.0	17.6
2nd M.D.	9.0	9.8	18.1
3rd M.D.	8.5	8.5	20.1
4th M.D.	10.6	10.0	28.3
5th M.D.	10.1	10.4	8.4
6th M.D.	8.0	8.6	27.9
7th M.D.	7.9	7.6	24.4

Mary K. Zervigon
Chairman

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