

# Executive Orders

## EXECUTIVE ORDER EWE 87-29

WHEREAS, under the authority granted me by Section 10 of Act 17 of the 1986 Regular Session, Louisiana R.S. 39:55, Article VI, Section 5, of the Louisiana Constitution and Act 38 of the First Extraordinary Session of 1986, did issue executive orders on the 13th day of October, 1986, and on the 15th day of January, 1987, reducing certain appropriations in force; and

WHEREAS, the state of Louisiana has been notified by the U.S. Department of Transportation that federal construction and maintenance funds will be withheld unless the federally supported highway network will be properly maintained; and

WHEREAS, the current appropriation remaining to the Department of Transportation and Development is insufficient to accomplish this purpose;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the state of Louisiana, effective May 4, 1987, do hereby rescind \$6,500,000 of the reduction applied to the Department of Transportation and Development in my Executive Order EWE 87-6.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this the 4th day of May, 1987.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 87-30

Section 2 of Executive Order No. EWE 86-38, as amended by Section 2 of Executive Order No. EWE 87-5, specifying the membership of the Louisiana Emergency Response Commission, is hereby amended to add one member to the commission, said member to be appointed by the governor upon recommendation by the commissioner of agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, in the city of Baton Rouge, on this the 13th day of May, 1987.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture and Forestry Office of Management and Finance Agricultural Industry Board

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board, has adopted the emergency rules detailed below. The Louisiana Agricultural Industry Board has designated 12 certified market participants in the program and receive incentives. Eleven certified market participants have approved 1987 confidential business plans which call for contracting with Louisiana agricultural producers to grow and deliver agricultural commodities or products. These contracts must be entered into during the planting season which is currently under way. In order to assure that these procedures are adequately secured and that there is established a method whereby potential violations may be adjudicated and disputed incentive payments are escrowed, a new paragraph is added to Section 7:17711D of the rules and regulations.

#### §17711. Incentive Payments to Certified Market Participants (Amend)

##### A. Incentive Payments Application Procedure

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707(E) and shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for which payment is requested;

e. number of gallons of ethanol sold for which incentive payment is requested; and

f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

a. ethanol buyer's name, address and quantity;

b. total number of gallons of ethanol and gasohol sold in Louisiana;

c. copies of shipping and receiving documents; and

d. certification by authorized agents that the information reported is true, correct and complete; and

e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:

i. the blender has purchased from \_\_\_\_\_, the certified market participant, \_\_\_\_\_ gallons of ethanol on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for use in gasohol to be sold in Louisiana;

ii. the blender shall on or before the twentieth day of each

month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and

iii. the blender shall attach to his affidavit and mail to the commissioner certified true copies of report(s) or documents(s) filed or monies paid by the blender with the Louisiana Department of Revenue and Taxation.

iv. the blender shall attach as a schedule to his affidavit and mail to the commissioner a copy of a first-in, first out perpetual inventory report showing each certified market participant's beginning inventory balance, shipments of ethanol received from said certified market participant during the month, sales of ethanol for said certified market participant that month and ending certified market participant's ethanol inventory. A copy of this schedule will also be sent to the certified market participant.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment to Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the commissioner shall notify each certified market participant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

4. Each incentive payment made from the fund shall be applied first to the oldest outstanding certificate issued to the certified market participant until all certificates issued to the certified market participants shall be paid.

C. Procedures For Adjustments In Incentive Payments Due To Overpayment

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do not agree, then the commissioner shall call an adjudicatory hearing before the board to consider the matter.

D. Procedure for Other Adjustment of Incentive Payments

1. If on a monthly basis the money in the fund is not sufficient to satisfy all outstanding obligations for incentive payments, the payments shall be divided proportionately among the certified market participants in accordance with the following formula: the payment received by each certified market participant shall be in the same proportion to the total funds available for incentive payments as the number of gallons of ethanol pro-

duced and sold by the certified market participant for use in gasohol sold in Louisiana bears to the total number of gallons of ethanol produced and sold by all the certified market participants for use in gasohol sold in Louisiana.

2. Any violation of the certified market participant contract, the Act, regulations or any agency and producer contracts (herein violation) makes the certified market participant ineligible for incentive payments and until the issue of eligibility is resolved, there shall be no right to receive incentive payments. If payments have already been wrongfully made to a certified market participant, then the board, in accordance with R.S. 3:3708B, shall order the return and repayment of any incentive payments plus interest. If incentive payments have not been made, then the commissioner shall notify the certified market participant of a potential violation and their ineligibility to receive incentive payments. If the certified market participant notifies the commissioner that it is not in violation, then the certified market participant shall have an opportunity to establish its eligibility for incentive payments at an adjudicatory hearing called by the commissioner or the board within 10 days. When the commissioner denies eligibility based on a potential violation and prior to the adjudicatory hearing, then the disputed incentive payments may, at the board's discretion, be transferred to an escrow account for security and payment of any agency and producer contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3704, R.S. 3:3705 and R.S. 3:3707.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

#### Title 35 Horse Racing

#### Part III: Personnel, Registration and Licensing Chapter 57. Association's Duties and Obligations §5741. Stable Telephone

A. No telephone shall be installed in the stable area except upon the request of the association conducting the meeting and the written approval of the chairman of the commission.

B. The receiver and transmitter of any public (pay) telephone shall be installed within a box and shall be kept securely locked from 15 minutes before post time of the first race until 15 minutes after the finish of the last race.

C. No usage of such public telephones shall be made during the aforementioned times except upon express approval of the state steward.

D. Subsections B and C of this rule do not apply to business telephones in the stable area.

John P. Davis, DVM  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Commerce  
Racing Commission**

**Title 46  
Professional and Occupational Standards  
Part XLI: Horseracing Occupations**

**Chapter 7. Jockeys and Apprentice Jockeys**

**§729. When Rider May Choose Not to Ride**

Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride neither a horse he believes to be unsound, nor over a racing strip he believes to be unsafe. However, (1) if a rider voluntarily cancels a duly scheduled riding engagement for any reason other than the aforementioned, he shall not be permitted to fulfill any riding engagements thereafter on that race day and (2) if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by facts and circumstances, such rider may be subject to disciplinary action.

John P. Davis, DVM  
Secretary

approved by the Food and Nutrition Service, United States Department of Agriculture. It is being adopted as an emergency rule as the implementation of this waiver could reduce the error rate and thereby reduce the possibility of federal sanctions.

The rule entitled "Monthly Reporting in Food Stamps" published in the *Louisiana Register*, Vol. 11, No. 12, December 20, 1985 page 1146-1149 is hereby amended.

**I. Monthly Reporting**

The following households shall be required to report monthly:

1. public assistance food stamp households who are required to report for public assistance purposes.

2. nonpublic assistance food stamp households consisting of seven or more persons with the exception of the households whose only countable gross income consists of self-employment which is received other than monthly.

Remaining households, other than those excluded by law, would periodically report at six month intervals with the redetermination of eligibility serving as the periodic report. Those households whose only countable gross income consists of self-employment which is received other than monthly would periodically report at 12 month intervals with the redetermination serving as the periodic report.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

**Provision for Dismissal of Senior Students - Bulletin 741**

The Board of Elementary and Secondary Education, at its meeting of May 28, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and approved language submitted by the Department of Education to be added as a procedural block under Standard 1.009.16, to read as follows:

"Each school system may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time". (Effective 1987-88 school year).

This emergency adoption is necessary because the schools are finalizing their 1987-88 school calendars.

Dr. James M. Meza, Jr.  
Executive Director

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 623 multiple source drugs. Circumstances have necessitated the review of all optional Medicaid Services. As a result 9 drugs have been identified by the Pharmacy Program as readily available from multiple sources. Inclusion of these drugs under LMAC regulations will allow the Medical Assistance Program to maintain essential Medicaid services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards. This rule is necessary to allow the Medical Assistance Program to continue providing essential medical services and avoid imminent peril to the welfare of Medicaid recipients statewide who depend upon current services to maintain their health.

**RULE**

Effective June 1, 1987, Louisiana Maximum Allowable Cost Regulations (LMAC) for reimbursement under Title XIX are amended to include the following multiple source drugs:

1. Chlordiazepoxide/Amitriptyline 12.5 mg/5 mg. Tablets
2. Chlordiazepoxide/Amitriptyline 25mg/10 mg. Tablets
3. Clonidine 0.1 mg. Tablets
4. Clonidine 0.2 mg. Tablets

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, LA. R.S. 49:953(B) to adopt the following rule in the Food Stamp Program. The categories of recipients required to report monthly or periodically are based on a waiver of federal regulations set forth in 7CFR 273.21 and



share being received by the Division of Management and Finance of the Department of Health and Human Resources. Each agency will administer its own program, but several mechanisms will be employed to achieve close coordination between the two (including representation of the SEA on the Governor's advisory council, participation of the LEA in the setting of priorities by the Governor's advisory council, participation of the advisory council in the regional meetings held for the LEAs and ongoing communication between the Governor's advisory council and the SEA), critical to the Governor's program will be a ten-member advisory council which will have representation from public education, higher education, the state substance abuse treatment authority, the state substance abuse commission, community-based programs, allied health and parenthood. In addition to advising the Governor, this body will assist in setting priorities, contribute to the framing RFPs, solicit respondents to RFPs, review proposals, make recommendations on proposals, review monitoring reports, make recommendations on action plans and recommend disposition of contracts in the case of agencies that remain out-of-compliance

The advisory council will function under the leadership of a chairman, appointed by the Governor. This officer will be provided an office and full clerical and management support by the Louisiana Department of Health and Human Resources.

In administering its 70 percent share of the Drug-Free Schools and Communities Act funds, the Louisiana Department of Education will rely largely on organizational structure already in place.

The schedule of major activities for carrying out both the Governor's and the SEA's programs follow:

ACTIVITY	RESPONSIBLE PARTY	COMPLETION DATE
Creation of Advisory Council	Governor	2/12/87
Appointment of Chairman	Governor	2/16/87
Approval of State Plan	Gov./BESE	2/25/87
Development of LEA Alloc. Table	BCEP	2/27/87
Appointment of Adv. Coun. Members	Gov./Chairman	2/27/87
Preliminary Information re: DFSCA sent to LEAs	BCEP	2/27/87
Submission of applic. to USDE	Chairman/BSS/BCEP	3/2/87
Framing of Policies, Procedures, and Protocols for Gov.'s progr.	Chairman/DHHR	3/9/87
Set Programmatic Priorities for Gov.'s Program	Advisory Council	3/16/87
Meet with Superintendents to Present Consortia Concept	BSS/BCEP	3/16/87
Development of RFPs and Grant Guidelines	Chairman/DHHR	3/23/87
Workshops for Potential Grantees	Chairman/Council	3/30/87
Mail Application Packets to LEA	BCEP	4/1/87
Development of Criteria and Standards for Monitoring Visits	Chairman/DHHR/BCEP	4/15/87
Completion of Annual Eval. Design	DHHR/BCEP	4/22/87
Receipt of Proposals	Chairman	5/8/87
Regional Workshops for LEAs	BSS/BCEP	5/8/87
Awarding of Gov.'s Grants	Chairman/Council	6/1/87
Receipt of LEA Applications	BCEP	6/30/87
Awarding of LEA Grants	BCEP	7/1/87
Completion of First Monitoring Visits	OPRADA/BCEP/BSS	2/1/88
Reallocation of Unrequested Funds	BCEP/BSS	2/1/88
Agreement and Follow-up on Action Plans to Correct Monitoring Exceptions	Chairman/BCEP	Ongoing
Budget Revisions for Next FY	Providers	6/15/88
Submission of Performance Data	Providers	6/15/88
Completion of Annual Evaluation	DHHR/BCEP	6/15/88

Future years will follow essentially the same schedule.

- (b) The State Department of Education, through the Office of Academic Programs, Bureau of Student Services, has worked cooperatively with other state agencies prior to the passage of this Act. Therefore, at the state level, staff members of the State Department of Education will continue to meet on a regularly, scheduled basis with the appropriate representatives from the Department of Health and Human Resources, Louisiana State Police and Public Safety, and the Governor's Office as a means of leveraging all resources, both human and financial, for the successful implementation of this Act. In addition, representatives from the State Department of Education will attend meetings of the Governor's State Advisory Council to continue the coordination between programs and agencies.

This coordination between all agencies will also be an important component of the programs in each of the LEAs. Through the state application process for funding, each LEA will describe their proposed plans for implementing programs which will ensure the participation of state agencies, law-enforcement officials, community organizations, judiciary, and treatment facilities. Also, during the training of the local SAPE' coordinators, representatives from the various state agencies, such as law enforcement, judiciary, and Health and Human Resources, will participate in the program to discuss their resources available on the local levels and various strategies for collaboration with the programs and services in the local school systems.

The State Department of Education will provide local SAPE' coordinators with information on resources available from other state agencies (ongoing during the year) as part of the technical assistance component of the program. Staff members of the Department of Education and personnel from other state agencies will conduct regional meetings for local SAPE' coordinators during the school year.

The requirement of the establishment of local advisory councils will ensure that representatives from other agencies be an integral part of the drug abuse prevention program in every community.

4. Assurances - the State assures the U.S. Secretary of Education that:
  - (a) The State applicant(s) submitting the application are eligible to submit the application.
  - (b) The State applicant(s) have authority under State law to perform the functions of the State under the Act.
  - (c) The State legally may carry out each provision of the application.
  - (d) All provisions of the application are consistent with State law.
  - (e) The State applicant(s) have authority to submit the application.
  - (f) The State applicant(s) have authority under State law to receive, hold, and disburse federal funds made available under the application.
  - (g) The State applicant(s) have adopted or otherwise formally approved the application.
  - (h) The application is the basis for State operation and administration of program(s) under the Act.

- (i) Federal funds made available under the Act for any Period will be used to supplement and increase the level of state, local, and non-federal funds that would in the absence of such federal funds be made available for the programs and activities for which funds are provided under the Act and will in no event supplant such state, local, and other non-federal funds.
- (j) The State will keep such records and provide such information as may be required by the Secretary for fiscal audit and program evaluation.
- (k) The State will comply with the specific requirements of the Act.
- (l) The State will provide for an annual evaluation of the effectiveness of programs assisted under the Act.
- (m) The State educational agency will provide financial assistance under the Act only to local and intermediate educational agencies and consortia which establish and implement drug-abuse education and prevention programs in elementary and secondary schools.
- (n) The Louisiana State Constitution states that the Louisiana State Board of Elementary and Secondary Education shall supervise and control elementary and secondary education. State Law, as currently interpreted by the Louisiana Supreme Court, designates the State Superintendent of Education as the State Educational Agency subject to the policies and budgetary control of the State Board of Elementary and Secondary Education. Within these limitations, the Louisiana State Department of Education either directly or through arrangements with other state or local agencies shall be the agency for the administration of programs assisted under this Act (with the exception of the Governor's 30 percent).

Signature for State applicant listed in item 2(a) of this application and also assures the Secretary that funds made available under Section 4211(b) of the Act will be used in accordance with the requirements of the Act.

\_\_\_\_\_  
 Thomas G. Clausen, Ph.D.  
 State Superintendent of Education

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Milton Hamel, President  
 State Board of Elementary and  
 Secondary Education

\_\_\_\_\_  
 Date

Signature for State applicant (if any) listed in item 2(b) of this application:

\_\_\_\_\_  
 Sandra L. Robinson, Ph.D., Secretary  
 Department of Health and Human  
 Resources

\_\_\_\_\_  
 Date

Signature of Chief Executive Officer of the State who also assures the Secretary that funds made available under Section 4121(a) of the Act will be used in accordance with the requirements of the Act.

\_\_\_\_\_  
 Edwin W. Edwards Governor  
 State of Louisiana

\_\_\_\_\_  
 Date

Dr. James Meza, Jr.  
 Executive Director

**RULE**

**Division of Administration  
 State Purchasing**

The Division of Administration, State Purchasing, hereby adopts the following amendment to the Vendor Subscription Fee effective July 1, 1987 which was published as a notice of intent in accordance with R.S. 49:950 et seq. in the *Louisiana Register* Volume 13, Pg. 255, dated April 20, 1987.

**Title 34**

**Government Contracts  
 Procurement and Property Control  
 Part 1. Purchasing**

**Chapter 33. Vendors  
 §3301. Vendor Fees**

A. Annual subscription of \$50 will be charged vendors to become eligible to be on the computerized state bid list. Failure to be on the computerized State Purchasing bid list will only remove your company from automatically receiving bids. State Purchasing will continue to advertise as required by law all bids over \$5,000. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to expiration of current fiscal year will be carried over and given full year credit.

B. This fee entitles the vendor to be on the bid list for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to do Business with the State of Louisiana" book and includes registration fees for vendor seminars.

Stephanie L. Alexander  
 Commissioner

**RULE**

**Office of the Governor  
 Governor's Office for Minority Business Enterprise**

In accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., the Office of the Governor, Office of Minority Business Enterprise proposes to amend LAC 19:111.1517 and LAC 19:111.1701 and the forms for use in the certification of minority status and recertification of minority-owned businesses.

Add Subsection D to §1517 as follows:

**Chapter 15. Designation and Setting Aside of Procurement Activities for Minority-Owned Business Participation**

**§ 1517. Designation of a Minority Set-Aside Bid**

D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority-owned businesses in Louisiana that are certified, nor are there three such minority-owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set-aside for the exclusive participation of certified minority-owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701. D relative to not exceeding 15 percent of what could have been obtained via open-market competition.

**Amend § 1701 A and D as follows:  
Chapter 17. Criteria for Procurement of Goods and Services**

**§ 1701. Criteria for Procurement of Goods and Services.**

A. Bid Specifications for Chapter 17 goods and services: When the award of the contract for the purchase of goods and/or services has been set aside for minority-owned business participation, and at the time Invitations to Bid are released there are not at least three certified minority-owned businesses available to bid on the contract or class of contracts or class of contracts involved, or the contract has not been set-aside in accordance with §1517 D of these rules and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.

D. In all cases, the state agency or education institution actually making the award, either under open competitive bidding or under the set-aside provisions of this Title, may reject all bids if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set-aside under the set-aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open-market competition.

Affidavit of Minority Status

STATE OF LOUISIANA:

PARISH OF \_\_\_\_\_:

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who stated, under oath, that s/he is a citizen or lawful permanent resident of the United States and is of minority heritage as defined at La. R.S. 39:1952(12).

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
NOTARY

Affidavit of Recertification

STATE OF LOUISIANA:

PARISH OF \_\_\_\_\_:

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, who stated, under oath, that s/he is owner of a certified minority-owned business as provided at Chapter 19 of Subtitle III, of Title 39 of the Louisiana Revised Statutes as of the \_\_\_\_ day of \_\_\_\_\_.

19\_\_\_\_, and that s/he appears herein for the purposes of attesting to the fact that all information contained in the original certification is still true and correct and that s/he remains the owner of the minority-owned business \_\_\_\_\_, \_\_\_\_\_, Name of Business as appears in the files of the Office for Minority Business Enterprise.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
NOTARY

Maxine Cormier  
Director

**RULE**

**Department of Health and Human Resources  
Board of Chiropractic Examiners**

Pursuant to the notice of intent published October 20, 1986, the following rules are repealed. Rule II, Advertisement of Professional Organizations; Rule IV, Foreign Annual Seminar; Rule V, Continuing Education.

Also pursuant to the notice of intent, the following rules are added to LAC 46:XXVII.

**§104. Rules of Order (formerly Rule XXI).**

All meetings of the board shall be conducted in accordance with *Roberts Rules of Order*. R.S. 37:2803(E).

**§105. Written Examinations (formerly Rule XXIII)**

All written examinations conducted by the board shall be administered to conceal the identity of licensure candidates. R.S. 37:2804(A)(B), and R.S. 37:2805(E).

**§303. Notification of Address (formerly Rule XVI)**

Each registered chiropractor, upon commencing to practice, shall forthwith notify the board of his office address or addresses. R.S. 37:2804(A) and R.S. 37:2803(E).

**§307.G-I. Advertising Practices (formerly Rules XII, XIII, XIV)**

G. Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

1. when there will be a charge for goods and services;
2. when the free services have been completed and that any additional services the patient requests are subject to charge; or
3. when the discount has been exhausted and any additional services will be subject to full charge; provided, that this

rule shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged. R.S. 37:2816(C).

H. Any advertisement that mentions automobile liability insurance shall state that "policy limitations apply" to the medical payment provisions therein, and must be in bold print. Television advertisements must verbally state that policy limitations apply. R.S. 37:2816(C).

I. A chiropractor shall not advertise "free x-rays" unless the advertisement states that 1) x-rays shall be taken only if found to be necessary and 2) more than one x-ray is required for diagnostic purposes. R.S. 37:2816(C).

### **§309. Future Care (formerly Rule XV)**

It shall be considered unprofessional conduct for any chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future unless the contract provides that the patient is entitled to a complete refund for any care not received. R.S. 37:2803(E).

### **§311. Overutilization of Services (formerly Rule XVII)**

Overutilization of services is prohibited. Overutilization refers to services in excess of that warranted by either the patient's condition or the technique applied. Such practice shall constitute a form of misrepresentation, deceit, unprofessional conduct, or gross misconduct. Clinical judgment and other relevant information may be used in determining the possibility of excessive treatment. R.S. 37:2816(A)(5), (6) and (7).

### **§313. Records (formerly Rule XVIII)**

Chiropractic physicians shall comply with the patient's authorization to provide records, or copies of such records, including x-rays to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records. R.S. 37:2816(A)(7).

### **§315. Protection of Records (formerly Rule XIX)**

Chiropractic physicians shall preserve and protect the patient's confidences and records, except as the patient directs or consents or if the law requires otherwise. R.S. 37:2816(A)(7).

### **§317. Certificates (formerly Rules XX and XXII)**

A. The board shall issue a certificate of proficiency in x-ray function to any chiropractic assistant who successfully completes a program in education and training in x-ray function and safety that has been approved by the Louisiana Board of Chiropractic Examiners. R.S. 37:2804(D).

B. Certificates of internship must be displayed in a conspicuous place in the office in which the intern practices. R.S. 37:2803(E), R.S. 37:2806.

The following rules are amended.

## **Chapter 5. Due Process Procedures for Ethics Violations**

### **Subchapter A. Applicability**

#### **§501. Unethical Conduct**

Unethical conduct shall be determined on the basis of the provisions of the rules and regulations of the Louisiana State Board of Chiropractic Examiners, Ethical Standards of Chiropractors, and other provisions included in R.S. 37:2801 - 37:2880, specifically if a chiropractor:

A. has been convicted of a felony or any offense involving moral turpitude; or

B. is using a narcotic or any alcoholic beverage to an

extent or in a manner dangerous to himself, any other person or the public, or to an extent that such use impairs his ability to perform the work of a professional chiropractor with safety to the public; or

C. has impersonated another person holding a license as a chiropractor or allowed another person to use his/her license; or

D. has used any fraud or deception in applying for a license or in taking an examination provided for in the Act; or

E. has accepted commissions or rebates or other forms of remuneration for referring clients to other persons; or

F. has allowed his/her name or license issued under the Act to be used in connection with any person or persons who perform chiropractic services outside of the area of their training, experience or competence; or

G. has willfully or negligently violated any of the provisions of the Act.

### **§503. Application of Procedures**

These procedures shall apply only in the consideration of alleged violations by licensed chiropractor.

NOTE: The board will answer complaints regarding the ethical practices of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

### **§505. Initiation of Complaint**

Complaints may be initiated by any citizen of the state, another licensed chiropractor or by the board on its own initiative.

### **§507. Declaratory Statements**

The board may issue a declaratory statement in response to a request for clarification of the effect of rules and regulations of R.S. 37:2801 et seq.

A. A request for a declaratory statement is made in the form of a petition to the board. The petition should include at least:

1. the name and address of the petitioner;
2. specific reference to the statute or rules and regulations to which the petitioner relates;
3. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

B. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

C. The declaratory statement of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

## **Subchapter B. Procedures for Processing Complaints and Inquiries**

### **§511. Processing Complaints and Inquiries**

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint refers to an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The board shall inform the complainant of the initial determination.

1. No Action
2. Informal Inquiry
3. Informal Hearing
4. Formal Hearing

### **Subchapter C. Conduct of Informal Inquiry/Hearing (Non-adversarial Procedure)**

#### **§519. Informal Inquiry Procedures**

A. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

1. informing the licensee in writing that a complaint has been filed,
2. a short and plain statement of the nature of the complaint,
3. a reference to the particular sections of the statutes, rules, and/or ethical standards of the board which appear to have been involved,
4. copies of the law and the rules and regulations of the board, and
5. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

B. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

C. 1. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

2. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:
  - a. further investigation by correspondence is indicated; or
  - b. further investigation by an informal hearing is indicated; or
  - c. institution of formal hearing procedures is indicated.

#### **§521. Informal Hearing Procedures**

The board shall conduct informal hearings in executive session in accordance with the following:

- A. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.
- B. Witnesses may be called, but are not placed under oath and no subpoenas are issued.
- C. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.
- D. No transcript of the informal hearing is made.

#### **§523. Evaluating the Findings of the Informal Hearing**

A. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

1. the violation merits informal disposition; or
2. a formal hearing will be held.

B. The board, in determining for informal disposition, shall order actions such as:

1. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.

2. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

#### **§525. Refusal to Respond or Cooperate With the Board**

A. If the licensee does not respond to the original inquiry within 30 days, a follow-up letter shall be sent to the licensee by registered mail or certified mail, return receipt requested.

B. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

#### **§527. Withdrawal of a Complaint**

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of the public welfare.

#### **§529. Emergency Action Required**

If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

### **Subchapter D. Conduct of Formal Hearing**

#### **§535. Initiating the Process**

A. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

B. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

C. Full notice

1. The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

2. Notice shall include:

- a. a statement of the date, time, place and nature of the hearing;
  - b. a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - c. a reference to the particular sections of the statutes, rules or ethical standards involved;
  - d. a short and plain statement of the matters asserted which shall be the subject of the hearing;
  - e. a statement of the rights of the parties.
3. Notice shall be given to all parties 30 days in advance

of the proceedings to allow a reasonable opportunity for preparation.

4. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.

5. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

6. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

D. Designation of Hearing Officer

1. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner.

J.E. Stephenson, D.C.  
Chairman

## RULE

### Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners, under authority of the Physical Therapy Practice Act of Louisiana, R.S. 37:2401-2417, and in accordance with the applicable provisions of the Administrative Procedure Act, has adopted the following rules governing the licensing and practice of physical therapists in the state of Louisiana.

#### Title 46 Occupations and Professions Part XLV. Medical Professions Subpart 2. Licensing and Certification

#### Chapter 17. Physical Therapists Subchapter A. General Provisions §1701. Scope of Chapter

The rules of this Chapter govern the licensing of physical therapists to engage in the practice of physical therapy in the state of Louisiana.

#### §1703. Definitions

As used in this Chapter, the following terms and phrases shall have the meanings specified:

*Applicant* - means a person who has applied to the board for a license or permit to engage in the practice of physical therapy in the state of Louisiana.

*Application* - means a written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice physical therapy in the state of Louisiana, together with all information, certificates, documents and other materials required by the board to be submitted with such forms.

*Good Moral Character* - as applied to an applicant, means that the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition or circumstance which would provide legal cause under R.S. 37:2413 for the suspension or revocation of

physical therapy licensure; the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license or permit required by this Chapter.

*License* - means the lawful authority of a physical therapist to engage in the practice of physical therapy in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

*Physical Therapy Practice Act* - means R.S. 37:2401-2418, as hereafter amended or supplemented.

*Temporary Permit* - means the lawful authority of a physical therapist to engage in the practice of physical therapy in the state of Louisiana for a designated, temporary period of time, subject to restrictions and conditions specified by the board, as evidenced by a certificate duly issued by and under the official seal of the board. A permit is of determinate, limited duration and implies no right or entitlement to a license or to renewal of the permit.

*Physical Therapist* - means a person possessing a degree or certification in physical therapy duly awarded by an educational institution or program approved by the board pursuant to §1711 of this Chapter.

*State* - means any state of the United States, the District of Columbia and Puerto Rico.

#### Subchapter B. Graduates of American Physical Therapy Schools and Colleges

#### §1705. Scope of Subchapter

The rules of this Subchapter govern the licensing of physical therapists who are graduates of physical therapy schools located within any state.

#### §1707. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. be at least 21 years of age;
2. be of good moral character as defined by §1703;
3. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States

duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 C.F.R.);

4. possess a degree or certification in physical therapy duly issued and conferred by a physical therapy school or program approved by the board; and

5. have taken the licensing examination administered by the board and achieved an average specified as the minimum passing score by §1745 of this Chapter, subject to the exception provided for certain applicants for licensure by reciprocity provided by §1721; provided, however, that an applicant who has failed the examination three or more times, wherever or whenever administered or taken, shall not thereafter be eligible for licensure in Louisiana.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

## §1709. Procedural Requirements

In addition to the substantive qualifications specified in §1707, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§1723 to 1729 of this Chapter, and, if applicable, the procedures and requirements for examination administered by the board provided by §§1731 to 1749 of this Chapter.

## §1711. Approved Physical Therapy Schools

A. Graduation from an approved school is among the qualifications requisite to physical therapy licensure as provided by §1707A(4) (American graduates) and §1721 (reciprocity applicants). This qualification will be deemed to be satisfied if the physical therapy school from which the applicant graduated was approved by the board as of the date the applicant's degree was issued.

B. A physical therapy school located in any state which is currently accredited by an accrediting agency recognized by the Council on Post-Secondary Accreditation or the United States Commission of Education, or their successors, shall be concurrently considered approved by the board.

C. A listing of approved schools of physical therapy is set forth in an appendix to this Chapter and shall from time to time be amended and supplemented by the board consistently with the provisions of this Subchapter.

## Subchapter C. Graduates of Foreign Physical Therapy Schools

### §1713. Scope of Subchapter; Definition

A. The rules of this Subchapter specify additional qualifications, requirements and procedures for the licensing of physical therapists who are graduates of foreign physical therapy schools.

B. As used in this Subchapter, the term *foreign graduate* means a graduate of a physical therapy school not located in any state.

### §1715. Qualifications for License

A. To be eligible for a license, a foreign graduate applicant shall:

1. possess all of the substantive qualifications for license specified by §1707 of this Chapter, save for §1707A(4);
2. have successfully completed didactic and clinical courses in physical therapy with such concentration and hours in such courses as the board, upon evaluation of the applicant's transcript by an approved credentials evaluation service, may deem necessary or sufficient;
3. be competent and proficient in speaking, understanding, reading and writing the English language; and
4. have completed at least 12 months of postgraduate clinical training in Louisiana under the direction and supervision of a physical therapist licensed by the board.

B. The burden of satisfying the board as to the qualifications and eligibility of the foreign graduate applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

### §1717. Procedural Requirements

In addition to the substantive qualifications specified in §1715, to be eligible for a license, a foreign graduate applicant shall satisfy the procedures and requirements for application provided by §§1723 to 1729 of this Chapter; if applicable, the procedures and requirements for examination administered by the

board provided in §§1731 to 1749 of this Chapter; and shall provide a certified copy of his physical therapy school transcript, reflecting the courses and hours taken and grades achieved.

## Subchapter D. Licensure by Reciprocity

### §1719. Definition

As used in this Subchapter, *licensure by reciprocity* means the issuance of a license on the basis of licensure by another state pursuant to written examination.

### §1721. Qualifications for Licensure by Reciprocity

An applicant who possesses and meets all of the qualifications and requirements specified by §§1707 to 1709 of this Chapter, save for successfully passing the examination administered by the board, as otherwise required by §1707A(5), shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license issued by another state which accords similar privileges of licensure without examination to Louisiana licensees.

## Subchapter E. Application

### §1723. Purpose and Scope

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensing as a physical therapist in the state of Louisiana.

### §1725. Application Procedure

A. Application for unrestricted licensing shall be made upon forms supplied by the board.

B. If application is made for licensing on the basis of examination to be administered by the board, an initial application must be received by the board not later than 90 days prior to the examination for which the applicant desires to sit (see Subchapter F of this Chapter respecting dates and places of examination). Completed applications must be received by the board not later than 45 days prior to the examination for which the applicant desires to sit.

C. Application for licensing by reciprocity under Subchapter D may be made at any time.

D. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the secretary-treasurer of the board, Suite 100, 830 Union Street, New Orleans, Louisiana, 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of application, forms must be requested not later than 40 days prior to the deadlines for initial application specified in the preceding Subsection.

E. An application for licensing under this Chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications set forth in this Chapter;
2. three recent photographs of the applicant; and
3. such other information and documentation as the board may require to evidence qualification for licensing.

F. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

G. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion require a more detailed or complete response to any request for information set forth in the application

form as a condition to consideration of an application.

H. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 81 of these rules.

I. Upon submission of or concurrently with submission of a completed application, an applicant shall, by appointment, make a personal appearance before the board, or its designee, as a condition to the board's consideration of such application.

#### **§1727. Additional Requirements for Foreign Graduates**

A. Any diploma or other document required to be submitted to the board by a foreign graduate applicant which is not in the English language must be accompanied by a certified translation thereof into English.

B. As a condition to the board's consideration of a foreign graduate application, the board must receive an evaluation of the applicant's transcript from an approved credentials evaluation agency. A foreign graduate applicant shall, accordingly, prior to or concurrently with submission of application to the board, deliver or cause to be delivered a certified copy of his physical therapy school transcript to a board-approved credentials evaluation agency. The names and address of approved agencies may be obtained upon inquiry to the board office.

C. In addition to the procedures and requirements set forth in §1725, upon submission of a completed application, a foreign graduate applicant shall, by appointment, make a personal appearance before a member of the board or its designee as a condition to the board's consideration of such application.

#### **§1729. Effect of Application**

A. The submission of an application for licensing to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license permit, certificate or registration, each person, firm, corporation, clinic, office or institution by whom or with whom the applicant has been employed in the practice of physical therapy, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment, and each professional organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an applicant for licensing to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensing to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports or recommendation pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities

pursuant to Subsections A or B of this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the physical therapy licensing authority of any state; the Federation of Physical Therapy Licensing Board; the Federation of State Medical Boards of the United States; the American Physical Therapy Association and any component state and county or parish medical society; federal, state, county or parish and municipal health and law enforcement agencies, including the Louisiana Department of Health and Human Resources; and the Armed Services.

### **Subchapter F. Examination**

#### **§1731. Designation of Examination**

The examination administered by the board pursuant to R.S. 37:2409 is the Professional Examination Service (PES) Examination developed by PES.

#### **§1733. Eligibility for Examination**

To be eligible for examination by the board, an applicant shall possess all qualifications for licensure prescribed by §1707A; provided, however, that an applicant who has completed, or prior to examination will complete, his physical therapy education but who does not yet possess a degree as required by §1707A(4), shall be deemed eligible for examination upon submission to the board of a letter subscribed by the dean of an approved physical therapy school certifying that the applicant is in his last semester or term of, or has completed his, academic physical therapy education at such school or college, that the applicant is a candidate for a degree in physical therapy at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded.

#### **§1735. Dates, Places of Examination**

The board's licensing examination is generally administered semiannually, in the city of New Orleans. Applicants shall be advised of the specific dates, times and locations of the next scheduled examination upon application to the board and may obtain such information upon inquiry to the office of the secretary.

#### **§1737. Administration of Examination**

A. The board's licensing examination is administered by a chief proctor, appointed by the board, and several assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examinations, to fix and signal the time for beginning and ending the several sections of the examination, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including, without limitation, excusing an applicant from the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and

2. fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or pre-

scribed by the chief proctor or any assistant proctor.

### **§1739. Subversion of Examination Process**

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §1743 of this Subchapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copying, duplication, written notes or electronic recording, any portion of the licensing examination;
4. selling, distributing, buying, receiving, obtaining or having unauthorized possession of a future, current or previously administered licensing examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or
10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

### **§1741. Finding of Subversion**

A. When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the board.

B. In the event of suspected conduct described by §1739B(5) or (6), the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by §1743 of this Subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-958 and applicable rules of the board governing administrative hearings. Unless waived by the

applicant, the board's findings of fact, its conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

### **§1743. Sanctions for Subversion of Examination**

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct, which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for physical therapy licensure in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board.

C. In addition to the sanctions permitted or mandated by Subsections A and B of this Section, as to an applicant-examinee found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examining process, the board may:

1. revoke, suspend or impose probationary conditions on any license or permit issued to such applicant;
2. disqualify the applicant, permanently or for a specified period of time, from eligibility for licensure in the state of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

### **§1745. Passing Score**

An applicant will be deemed to have successfully passed the examination if he attains a score of at least 75.

### **§1747. Restriction, Limitation on Examinations**

A. A passing score must be attained by an applicant upon completion of all sections of the examination taken during a single administration of the entire examination.

B. An applicant having failed to attain a passing score upon taking the examination three times shall not thereafter be considered for licensing and shall not be eligible to take the examination again.

### **§1749. Lost, Stolen or Destroyed Examinations**

A. The submission of an application for examination by the board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the board, its members, committees, employees and agents, and the state of Louisiana to the applicant for the loss, theft or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon by the Professional Examination Services, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

B. In the event that all or part of the examination taken by an applicant is lost, stolen or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the board to sit for and take such sections of the examination at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains or such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's score, which shall be accepted by the board.

## **Subchapter G. Temporary Permits**

### **§1751. Temporary Permits in General**

A. With respect to applicants who do not meet or possess all of the qualifications and requirements for licensing, the board may, in its discretion, issue such temporary permits as are, in its judgment, necessary or appropriate to its responsibilities under law.

B. A temporary permit entitles the holder to engage in the practice of physical therapy in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensing or renewal of the permit after its expiration.

### **§1753. Permit Pending Examination**

A. An applicant who possesses all of the qualifications for licensing prescribed by §1707A of this Chapter, save for §1707A(5), and who has applied to the board and completed all requirements for examination shall be issued a temporary permit to be effective pending the applicant's taking of the next scheduled physical therapy licensing examination and the reporting of the applicant's scores thereon to the board.

B. A physical therapist holding a temporary permit issued under this Section may practice physical therapy only under the direction of a physical therapist licensed by the board, who shall provide such supervision of and instruction to the permit holder as is adequate to ensure the safety and welfare of patients.

C. A temporary permit issued under this Section shall expire, and thereby become null, void and to no effect, on the earliest of any date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on the licensing examination; provided, however, that if, within 10 days of such notice a permittee eligible therefor applies for a permit under §1755A hereof, the expiring permit shall be deemed to continue in effect until the board gives notice of its action on the application under §1755A;

2. the board gives written notice to the permit holder pursuant to §1741C that it has probable cause to believe that he has engaged or attempted to engage in conduct which subverted or undermined the integrity of the examination process;

3. the permit holder is issued a license pursuant to §1759A or another type of permit as provided for by §1755 of this Chapter; or

4. the holder of a permit issued under this Section fails to appear for and take the licensing examination for which he has registered.

### **§1755. Permit Pending Reexamination**

A. An applicant who possesses all of the qualifications for licensing prescribed by §1707A of this Chapter, save for §1707A(5), who has once failed the licensing examination administered by the board, and who has applied to the board and completed all requirements for examination at the next scheduled date thereof shall be issued a temporary permit to be effective pending the applicant's taking of the next scheduled physical therapy licensing examination and the reporting of the applicant's scores thereon to the board.

B. A physical therapist holding a temporary permit issued under this Section may practice physical therapy only under the direction of a physical therapist licensed by the board who shall provide such supervision of an instruction to the permit holder as is adequate to ensure the safety and welfare of patients.

C. A temporary permit issued under this Section shall expire and thereby become null, void and to no effect on the

earliest of any date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on his second taking of the licensing examination;

2. the board gives written notice to the permit holder pursuant to §1741C that it has probable cause to believe that he has engaged or attempted to engage in conduct which subverted or undermined the integrity of the examination process; or

3. the holder of a permit issued under this Section fails to appear for and take the licensing examination for which he has registered.

### **§1757. Foreign Graduate Temporary Permit**

A. A foreign graduate who possesses all of the qualifications for licensing prescribed by §1715 of this Chapter, save for §1715A(4), shall be issued a temporary permit to engage in supervised clinical therapy training under the direction and supervision of a physical therapist licensed by the board for the purpose of fulfilling in whole or in part the requirement of §1715A(4).

B. The holder of a permit issued under this Section shall not engage in the practice of physical therapy in any respect in the state of Louisiana or receive physical therapy education training involving clinical practice other than within the course and scope of the employment or association for which he is approved by the board.

C. A temporary permit issued under this Section shall expire, and thereby become null and void and to no effect, on the date specified by such permit.

## **Subchapter H. License and Permit Issuance, Termination, Renewal, Reinstatement**

### **§1759. Issuance of License**

A. If the qualifications, requirements and procedures prescribed or incorporated by §§1707 to 1709, §§1715 to 1717, or §1721 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of physical therapy in the state of Louisiana.

B. A license issued under §1707 of this Chapter shall be issued by the board within 30 days following the reporting of the applicant's licensing examination score to the board. A license issued under any other Section of this Chapter shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

### **§1761. Expiration of Licenses and Permits**

A. Every license or permit issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void and to no effect, on the last day of the year in which such license or permit was issued.

B. The timely submission of an application for renewal of a license, but not a permit, as provided by §1763 of this Chapter, shall operate to continue the expiring license in full force and effect pending issuance of the renewal license.

C. Permits are not subject to renewal.

### **§1763. Renewal of License**

A. Every license issued by the board under this Chapter shall be renewed annually on or before its date of expiration by submitting to the board an application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 81 of these rules.

B. An application for renewal of license form shall be mailed to the board to each person holding a license issued un-

der this Chapter on or before the first day of December of each year. Such forms shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

#### **§1765. Reinstatement of License**

A. A license which has expired may be reinstated by the board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of character recommendation from reputable physicians, dentists, podiatrists or physical therapists of the former licensee's last professional location, together with the applicable renewal and reinstatement fees.

### **Subchapter I. Physical Therapy Advisory Committee**

#### **§1767. Constitution of Committee**

To assist the board in the review of applicants' qualifications for licensure under this Chapter, in the preparation and administration of the physical therapy licensing examination, in interpretation and enforcement of board rules and regulations, in the delivery of temporary licenses, and in liaison with licensed physical therapists in the state of Louisiana, the board shall constitute and appoint a Physical Therapy Advisory Committee (PTAC) which shall be organized and shall function in accordance with the provisions of this Subchapter.

#### **§1769. Composition; Appointment**

A. The PTAC shall comprise five members who shall be physical therapists licensed by the board engaged in the active practice of physical therapy within the state of Louisiana.

B. Insofar as possible or practical, in its appointment of members of the PTAC, the board shall maintain geographic diversity so as to provide membership on the PTAC by physical therapists residing and practicing in the several geographic areas of the state.

C. Each member of the PTAC shall be appointed by the board from among a list of not fewer than three nominees submitted to the board by the Louisiana Chapter of the American Physical Therapy Association (LPTA), or its successor. Each nomination so submitted shall be accompanied by a personal resumé or *curriculum vitae* for the nominee together with a written consent to serve if appointed, subscribed by such nominee.

D. Within 10 days of the effective date of these rules, the LPTA shall submit to the board a list of 10 nominees, from which the board shall appoint five members to the PTAC, one appointee designated to serve a term expiring on the last day of the year of appointment; two to serve terms expiring on the last day of the year succeeding the year of appointment; and two to serve terms expiring on the last day of the second year succeeding the year of appointment. Thereafter, each member of the PTAC shall serve a term of three years, subject to removal or declaration of vacancy at any time upon recommendation of a majority of the committee on the basis of:

1. death or resignation of a member;
2. loss or suspension of a member's license to practice physical therapy;
3. failure of a member to perform assigned duties;
4. failure of a member to attend 50 percent of the scheduled committee meetings during a calendar year; or
5. a two-thirds vote of the committee recommending removal.

E. Members appointed to the PTAC by the board to fill a vacancy occurring on the PTAC other than by expiration of the designated term shall serve for the unexpired term. A member of

the PTAC may be appointed by the board for not more than three consecutive terms.

F. Following the board's appointment of the initial PTAC pursuant to the preceding Subsection, appointments to the PTAC shall be made by the board pursuant to Subsection C hereof. LPTA nominations for members of the PTAC shall be annually delivered to the board on or before November 15. Other than the initial appointments provided for herein, board appointments to the PTAC shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment.

#### **§1771. Delegated Duties and Responsibilities**

A. The PTAC is authorized by the board to:

1. advise and assist the board in the development, preparation, administration and ongoing evaluation of the physical therapy licensing examination administered by the board;

2. assist the board in examining the qualifications and credentials of and interviewing applicants for physical therapy licensure and permits and make recommendations thereon to the board;

3. provide advice and recommendations to the board respecting the modification, amendment and supplementation of rules and regulations, standards, policies and procedures respecting physical therapy licensure and practice;

4. serve as a liaison between and among the board, licensed physical therapists and physical therapy professional associations;

5. receive and present to the board complaints concerning violations of the Physical Therapy Act and board regulations and make recommendations on enforcement action;

6. deliver temporary permits; and

7. hold regularly scheduled meetings, for which minutes shall be prepared and maintained, with the entire board or a designated board member(s) with at least three committee members constituting a quorum for such meetings.

B. In discharging the functions authorized under this Section, the PTAC and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board.

C. Members of the PTAC shall be reimbursed by the board for their reasonable actual expenses for attendance at meetings of the PTAC and in the performance of other functions requested by the board.

### **Subpart 3. Practice**

## **Chapter 47. Practice**

### **Subchapter A. General Provisions**

#### **§4701. Scope of Chapter**

The rules of this Chapter govern the practice of physical therapy in the state of Louisiana.

#### **§4703. Definitions**

As used in this Chapter, the following terms and phrases shall have the meanings specified:

*Board* - means the Louisiana State Board of Medical Examiners.

*License* - means the lawful authority of a physical therapist to engage in the practice of physical therapy in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board. A temporary permit is not a license.

*Licensed Physical Therapist or L.P.T.* means a physical therapist possessing a license issued by the board under Chapter 17 of these rules.

*Person* - means and includes a natural person, partnership, corporation, association, or other entity having legal existence, unless the context requires a more limited meaning.

*Physical Therapist* - means a person possessing a degree or certification in physical therapy duly awarded by an educational institution or program approved by the board pursuant to §1711 of these rules.

*Physical Therapy Practice Act* - means R.S. 37:2401-2418, as hereafter amended or supplemented.

*Prescription* - means a written order or directive for a diagnostic or therapeutic physical therapy procedure or regime subscribed by an individual lawfully authorized to make or give such order or directive.

*Referral* - means a written request for physical therapy evaluation or treatment made by an individual lawfully authorized to make such request.

*State* - means any state of the United States, the District of Columbia and Puerto Rico.

#### **§4705. Special Definition: Physical Therapy**

A. The *practice of physical therapy* means being engaged in administering, providing, performing or counseling in "physical therapy," as that term is defined by the Physical Therapy Practice Act, R.S. 37:2401(1), and as further defined by this rule.

B. As used in the definition of "physical therapy" set forth in the Physical Therapy Practice Act, and as used in this Chapter, the following terms shall have the meanings specified:

*Passive Manipulation* - means manipulation or movement of musculature or joints other than by the spontaneous function of the body or active effort on the part of the patient.

*Physical Rehabilitation Measures* - means the use of physical skills applied to the body or bodily functions to restore an ill or injured patient to self-sufficiency or to gainful employment at his highest attainable level in the shortest possible time.

*Physical Therapy Evaluation* - means evaluation of a patient with respect to musculoskeletal and biomechanical limitations or suitability as a candidate for, and the potential efficacy of, physical therapy, by means of patient history, physical findings, and objective tests and measurements, applying physical therapy education, training and knowledge.

*Consultative Services* - means providing information, advice or recommendations with respect to, but not the administration of, physical therapy.

*Supervision* - as used with respect to temporary permit holders or physical therapy supportive personnel, means responsible, continuous, on-premises superintendence of procedures, functions and practice by a licensed physical therapist.

*Licensed in this State* - means possessing a current license to practice duly issued by an agency of the state of Louisiana.

C. "Physical Therapy" shall not be deemed to extend to surgical or other invasive procedures, nor to any procedure of function determined by the board to be one which a physical therapist is, by education and training, not competent to perform with reasonable skill and safety to patients.

#### **Subchapter B. Prohibitions**

##### **§4707. Unauthorized Practice**

A. No person shall engage in the practice of physical therapy in the state of Louisiana unless he has in his possession a current license or temporary permit duly issued by the board under Chapter 17 of these rules.

B. No person shall hold himself out to the public, and

individual patient, a physician, dentist or podiatrist, or to any insurer or indemnity company or association or governmental authority as a physical therapist or physiotherapist, nor shall any person directly or indirectly identify or designate himself or itself as a physical therapist, physiotherapist, registered physical therapist or licensed physical therapist, nor use in connection with his or its name the letters P.T., L.P.T., or R.P.T. or any other words, letters, abbreviations, insignia or signs tending to indicate or imply that the person is a physical therapist or that the services provided by such person constitute physical therapy, unless such person possesses a current license or temporary permit duly issued by the board under Chapter 17 of these rules.

##### **§4709. Exemptions**

A. The prohibitions of §4707 of this Chapter shall not apply to a person employed by any department, agency or bureau of the United States Government when acting within the course and scope of such employment.

B. The prohibitions of §4707A of this Chapter shall not apply to a person acting under and within the scope of a license issued by an agency of the state of Louisiana.

##### **§4711. Prohibitions: Licensed Physical Therapists**

A licensed physical therapist shall not:

A. administer or implement any medical diagnostic or physical therapy therapeutic measures, procedures or regimes except upon the written prescription or referral of a physician, dentist or podiatrist licensed in this state;

B. administer or use roentgen rays, radium, isotopes or ionizing radiation;

C. prescribe, dispense or administer any controlled substances or other medications for ingestion, subcutaneous, transdermal, intramuscular or intravenous injection or topical application, provided however that a licensed physical therapist may administer controlled substances or other medications by topical application pursuant to the prescription and direction of a physician, dentist or podiatrist licensed in the state; or

D. undertake to concurrently supervise more than three unlicensed physical therapy supportive personnel, or undertake to supervise physical therapy supportive personnel jointly with other licensed physical therapists when the ratio of supportive personnel to supervising licensed physical therapists is in excess of three-to-one.

##### **§4713. Prohibitions: Temporary Permits**

A. An individual holding a temporary permit issued by the board pursuant to §§1751 to 1757 of these rules shall not engage in the practice of physical therapy in the state of Louisiana other than within the scope, and consistent with the terms, conditions and restrictions, of such permit.

B. An individual holding a temporary permit issued by the board under §§1753 or 1755 of these rules shall engage in the practice of physical therapy in the state of Louisiana only under the direction and supervision of a licensed physical therapist, which direction and supervision shall be subject to the restrictions and requirements prescribed by §4717 of this Chapter.

C. An individual holding a temporary permit issued by the board under §1757 of these rules shall engage in the practice of physical therapy in the state of Louisiana only under the direction and supervision of, and within the course and scope of employment with, a person licensed to practice physical therapy in this state. Such direction, supervision and employment shall be subject to the restrictions and requirements prescribed by §4719 of this Chapter.

## Subchapter C. Supervised Practice

### §4515. Scope of Chapter

The rules of this Subchapter prescribe certain restrictions on and requirements for supervision of physical therapists holding temporary permits issued by the board. For purposes of this Subchapter, a physical therapist holding a temporary permit issued by the board is sometimes referred to as a “permittee.”

### §4717. Qualifications for License

A. A physical therapist holding a temporary permit shall engage in the practice of physical therapy only as an employee of a licensed physical therapist or a partnership of licensed physical therapists, or an employee of an individual or entity employing at least one licensed physical therapist who assumes responsibility for the supervision of such permittee.

B. A licensed physical therapist who undertakes to supervise a physical therapist holding a temporary permit under §1753 or §1755 of these rules shall:

1. undertake to concurrently supervise not more than two permittees;
2. assign to a permittee only such physical therapy measures, treatments, procedures and functions as such licensed physical therapist has documented that the permittee, by education and training, is capable of performing safely and effectively;
3. be readily available at all times to provide advice, to the permittee and to the patient during physical therapy treatment given by a permittee; and
4. provide and perform periodic review of the status of every patient administered to by a permittee and make modifications and adjustments in the patient's physical therapy treatment plan, including those portions of the treatment plan assigned to the permittee.

### §4719. Supervision of Foreign Graduates

A. A foreign graduate holding a temporary permit issued under §1757 of these rules shall participate in clinical physical therapy education and training only as an employee of a licensed physical therapist or a partnership of licensed physical therapists, or as an employee of an individual or entity employing at least one licensed physical therapist who assumes responsibility for the education, training and supervision of such permittee.

B. A licensed physical therapist who undertakes to educate, train and supervise a foreign graduate holding a temporary permit under §1757 of these rules shall be subject to the requirements and prohibitions specified by §4717 of this Subchapter, and, in addition, shall:

1. have possessed a license issued by the board under Chapter 17 of these rules for a period of not less than two years prior to undertaking the education, training and supervision of a permittee under this Section;
2. have not been subject, with a period of five years prior to undertaking such responsibility, to administrative action by the board resulting in the suspension or revocation of, or the imposition of probationary conditions on, his physical therapy license; and
3. provide the board with written certification, following the conclusion of a foreign graduate's clinical training as required by §1715A(4), that the permittee has accumulated not less than 1,500 hours of actual clinical experience in the practice of physical therapy under the supervision of the licensed physical therapist.

## Subchapter D. Grounds for Administrative Action

### §4721. Causes for Administrative Action

The board may refuse to issue a license or temporary permit to, or suspend, revoke or impose probationary conditions and restrictions on the license or temporary permit of a person on a finding of any of the causes provided by Section 2413A of the Physical Therapy Practice Act, R.S. 37:2413A.

### §4723. Causes for Action; Definition

A. A person who “attempts to or attains a license by fraud or misrepresentations,” as used in Section 2413A(2) of the Physical Therapy Practice Act, means and includes a person who:

1. makes any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for a license or temporary permit under Chapter 17 of these rules; or
2. makes any representation, or fails to make a representation, or engages in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license or permit required by Chapter 17 of these rules.

B. As used in Section 2413A(4) of the Physical Therapy Practice Act, a “felony” means a crime defined as such under the laws of the United States, or of any state. The term “convicted,” as applied to a licensed physical therapist, the holder of a temporary permit or an applicant for such license or permit, means that a judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilty or a plea of guilty or *nolo contendere*. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

C. As used in Section 2413A(5) of the Physical Therapy Practice Act, “habitually intemperate” means:

1. repeated excessive use or abuse of alcohol; or
2. the ingestion, self-administration or other use of legally controlled substances or other medications affecting the central nervous system other than pursuant to and in accordance with a lawful prescription.

D. As used in Section 2413A(5) of the Physical Therapy Practice Act, the phrase “addicted to the use of habit forming drugs” means physiological dependence on any legally controlled substance or any other medication with a potential for inducing physiological or psychological dependence or tolerance.

E. As used in Section 2413A(7) of the Physical Therapy Practice Act, the term “unprofessional conduct” means:

1. departure from, or failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice in the state of Louisiana, regardless of whether actual injury to a patient results therefrom;
2. conviction of any crime or entry of a plea of guilty or *nolo contendere* to any criminal charge arising out of related to the practice of physical therapy;
3. making or participating in any communication, advertisement or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive misleading or unfair statement or claim;
4. disclosure to a third-party not involved in a patient's care, without such patient's prior written consent, of information

or records relating to the physical therapist-patient relationship, except when such disclosure is otherwise required or permitted by law;

5. initiation or continuation of physical therapy services that are contraindicated or cannot reasonably result in a beneficial outcome; or

6. abuse or exploitation of the physical therapist-patient relationship for the purpose of securing personal compensation, gratification or benefit unrelated to the provision of physical therapy services.

Delmar Rorison  
Executive Assistant

#### **RULE**

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

#### **Title 46**

### **Professional and Occupational Standards Part XLVII. Nurses**

#### **§3349. Licensure by Examination**

The NCLEX-RN shall be successfully written within a 25-month period from the first writing, or prior to reapplication for taking the NCLEX-RN. Specific study requirements shall be met, with the board's approval of the educational program. Following restudy, the maximum number of rewrites shall be one.

Merlyn M. Maillian, R.N.  
Executive Director

#### **RULE**

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 13, No. 4, page 255, dated April 20, 1987.

#### **RULE**

Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for home leave for up to nine days per calendar year.

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

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

#### **RULE**

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana*

*Register* Vol. 13, No. 4, page 256, dated April 20, 1987.

#### **RULE**

Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for inpatient care for up to 10 days per hospitalization.

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

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

#### **RULE**

### **Department of Health and Human Resources Office of Human Development**

Effective July 1, 1987, for all vendor and purchase of services (POS) contracted day care services delivered during that month and thereafter, the Department of Health and Human Resources, Office of Human Development, adopted rule changes which will:

1. establish (as shown in the attached sliding fee scales) the maximum rate paid by this office for Title XX vendor and POS contracted day care services in all licensed day care centers at \$154/month/child or \$7/day/child or \$1/hour/child and in all approved day care homes at \$103.18/month/child or \$4.69/day/child or \$.67/hour/child, and

2. allow these Title XX day care providers the option of collecting or not collecting copayments only according to the attached sliding fee scales from families who need day care because the parent/caretaker-relative is employed.

The total amount received by these Title XX day care providers including the OHD maximum reimbursement rate plus the copayment collected from families, may meet but shall not exceed the provider's actual cost of delivering day care services.

This allows the Office to substantially comply with HCR 17 of the 1986 First Extraordinary Session. This effective date also provides the Title XX vendor and POS day care programs sufficient time to prepare for implementing these rule changes in the new fiscal year and allows providers who elect to implement collection of copayments prescribed by the scale to enhance their provision of the Title XX day care services with the additional funding generated.

The Office of Human Development expects that the vendor and POS contracted day care providers electing to implement copayments collection will be totally responsible for the administrative activities therein, although the Division of Children, Youth and Family Services will retain responsibility for eligibility determination for children utilizing vendor day care services. Upon eligibility determination and redetermination, the Office of Human Development will provide to the family receiving vendor day care services a copy of the sliding fee scale(s) for their information. DCYFS staff will also share with the vendor day care provider at eligibility determination and redetermination the client information needed for determining the amount of the copayment, including gross monthly family income and number of children in the family and in day care. POS contracted day care providers will retain responsibility for eligibility determination and redetermination and will provide to the family receiving POS

contracted day care a copy of the sliding fee scale(s) for their information. The Office of Human Development will monitor periodically fee collections by those Title XX vendor and POS contracted day care providers who elect to collect copayments to

assess their compliance with the sliding fee scale(s) and with the requirement that their total amount received may meet but shall not exceed their actual costs in delivering day care services.

Co-payment Sliding Fee Scale for Employed Parents  
Whose Children Receive Day Care Services  
From Vendor and Purchase of Service Contracted  
Day Care Centers

HOURLY-CENTER

Adjusted Gross Max. Limits	Parent's Co-Payment for First Child	OHD Payment	50% Discount for Each Additional Child/CHD Payment	Maximum Hourly Reimbursement Center Could Receive	
				For First Child	Each Additional Child
Up to \$ 659	NO CHARGE	\$1	NO CHARGE	\$1.00	\$1.00
660	\$ .10	1	\$.05/\$1	1.10	\$1.05
816	.13	1	.07/ 1	1.13	1.07
971	.15	1	.08/ 1	1.15	1.08
1282	.18	1	.09/ 1	1.18	1.09
1399	.21	1	.11/ 1	1.21	1.11
1486	.25	1	.13/ 1	1.25	1.13
1515	.30	1	.15/ 1	1.30	1.15
1516 and over ineligible					

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DAILY-CENTERS

Adjusted Gross Max. Limits	Parent's Co-Payment for First Child	OHD Payment	50% Discount for Each Additional Child/CHD Payment	Maximum Daily Reimbursement Home Could Receive	
				For First Child	Each Additional Child
Up to \$ 659	NO CHARGE	\$7	NO CHARGE	\$7.00	\$7.00
660	.70	7	\$.35/\$7	7.70	\$7.35
816	.91	7	.46/ 7	7.91	7.46
971	1.05	7	.53/ 7	8.05	7.53
1282	1.26	7	.63/ 7	8.26	7.63
1399	1.47	7	.74/ 7	8.47	7.74
1486	1.75	7	.88/ 7	8.75	7.88
1515	2.10	7	1.05/ 7	9.10	8.05
1516 and over ineligible					

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MONTHLY-CENTERS

Adjusted Gross Max. Limits	Parent's Co-Payment for First Child	OHD Payment	50% Discount for Each Additional Child/CHD Payment	Maximum Monthly Reimbursement Home Could Receive	
				For First Child	Each Additional Child
Up to \$ 659	NO CHARGE	\$154	NO CHARGE	\$154	\$154
660	\$15.00	154	\$ 8/\$154	169	\$162
816	20.00	154	10/ 154	174	164
971	23.00	154	12/ 154	177	166
1282	28.00	154	14/ 154	182	168
1399	32.00	154	16/ 154	186	170
1486	39.00	154	20/ 154	193	174
1515	46.00	154	23/ 154	200	177
1516 and over ineligible					

Co-payment Sliding Fee Scale for Employed Parents  
Whose Children Receive Day Care Services  
From Day Care Homes

HOURLY-HOMES

<u>Adjusted Gross Max. Limits</u>	<u>Parent's Co-Payment for First Child</u>	<u>OHD Payment</u>	<u>50% Discount for Each Additional Child/OHD Payment</u>	<u>Maximum Hourly Reimbursement Home Could Receive</u>	
				<u>For First Child</u>	<u>For Each Additional Child</u>
Up to \$ 659	NO CHARGE	\$.67	NO CHARGE	\$.67	\$.67
660	\$.10	.67	\$.05/\$.67	.77	\$.72
816	.13	.67	.07/ .67	.80	.74
971	.15	.67	.08/ .67	.82	.75
1282	.18	.67	.09/ .67	.85	.76
1399	.21	.67	.11/ .67	.88	.78
1486	.25	.67	.13/ .67	.92	.80
1515	.30	.67	.15/ .67	.97	.92

1516 and over ineligible

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DAILY-HOMES

<u>Adjusted Gross Max. Limits</u>	<u>Parent's Co-Payment for First Child</u>	<u>OHD Payment</u>	<u>50% Discount for Each Additional Child/OHD Payment</u>	<u>Maximum Daily Reimbursement Home Could Receive</u>	
				<u>For First Child</u>	<u>For Each Additional Child</u>
Up to \$ 659	NO CHARGE	\$4.69	NO CHARGE	\$4.69	\$4.69
660	.70	4.69	\$.35/\$4.69	5.39	\$5.04
816	.91	4.69	.46/ 4.69	5.60	5.15
971	1.05	4.69	.53/ 4.69	5.74	5.22
1282	1.26	4.69	.63/ 4.69	5.95	5.32
1399	1.47	4.69	.74/ 4.69	6.16	5.43
1486	1.75	4.69	.88/ 4.69	6.44	5.57
1515	2.10	4.69	1.05/ 4.69	6.79	5.74

1516 and over ineligible

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MONTHLY-HOMES

<u>Adjusted Gross Max. Limits</u>	<u>Parent's Co-Payment for First Child</u>	<u>OHD Payment</u>	<u>50% Discount for Each Additional Child/OHD Payment</u>	<u>Maximum Monthly Reimbursement Home Could Receive</u>	
				<u>For First Child</u>	<u>For Each Additional Child</u>
Up to \$ 659	NO CHARGE	\$103.18	NO CHARGE	\$103.18	\$103.18
660	\$15.00	103.18	\$ 8/\$103.18	118.18	\$111.18
816	20.00	103.18	10/ 103.18	123.18	113.18
971	23.00	103.18	12/ 103.18	126.18	115.18
1282	28.00	103.18	14/ 103.18	131.18	117.18
1399	32.00	103.18	16/ 103.18	135.18	119.18
1486	39.00	103.18	20/ 103.18	142.18	123.18
1515	46.00	103.18	23/ 103.18	149.18	126.18

1516 and over ineligible

Wayne C. Heap  
Assistant Secretary

## RULE

### Department of Health and Human Resources Office of Human Development

Effective June 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change the State Plan (Section 6.6 (a) A, page 1 of 1) and its policy manual amending the income exemption for eligibility determination for the following pre-employment services: 1) Physical Restoration; 2) Maintenance; 3) Transportation; 4) Books and Supplies; 5) Occupational Tools and Equipment; 6) Other Goods and Services; 7) Telecommunication, Sensory, and other Technological Aids. Interpreter services for long-term training shall be exempt from the economic needs test. Post-Employment Services must meet the same economic needs test as pre-employment services. Eligibility criteria for interpreter services provided with state funds under the Commission for the Deaf shall be established by the commission.

The Louisiana Department of Health and Human Resources conducted public hearings on this change in May, 1987 in four major metropolitan areas of the state.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## RULE

### Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the Policies and Guidelines for Section 1122 Capital Expenditure Reviews effective June 20, 1987. The changes were made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985 and to LAC 48:I.12503.

The changes:

1) Add #15 to the criteria for Expedited Review (p. 8) to read "Replacement construction contracts submitted after the expiration of the approval period."

2) Make some editorial changes on pages 8 and 8-A.

3) Amend the section on Evidence of Obligation/Expiration of Approval to clarify that a construction contract, which has been entered into during the approval period as evidence of a capital obligation, shall be replaced by a different contract after the expiration of the approval period, only when approved by the Division of Policy, Planning and Evaluation.

This third set of changes will revise the introductory paragraph to the "Construction Projects" subsection (p. 13) and add a part "e" to the same subsection (p. 15).

Pages 8, 8-A, 13 and 15 will read as follows:

Page 8

7. Addition of a new service in an existing facility which will not exceed \$600,000.

8. Incorporation, reorganization, merger, consolidation, majority stock sale or transfer, or other changes in the person owning a health care facility with Section 1122 approval.

9. A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the

same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of all or part of the original site and is in the same service area.

10. A reduction in approved beds or a discontinuance of an approved service.

11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.

12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

13. Sale or transfer of 25 to 50 percent of the ownership of an entity owning a Section 1122 approval.

14. Other proposals for expedited review may be submitted for consideration. Such proposals may be "accepted" for expedited review if no useful public purpose would be served by a full review.

\* 15. Replacement construction contracts submitted after the expiration of \*\* the approval period.

An applicant proposing a capital expenditure which may qualify for an expedited review must submit a written request to DPPE. DPPE will review the request, determine whether a full review or an expedited review will be conducted, and send the appropriate application forms to the applicant.

### Pre-application Conference

At any time prior to submitting an application, an applicant may request a formal conference with DPPE to discuss the proposed project. A mutually acceptable meeting time will be established between the applicant and the agency.

### Review Procedures

Applicants may request application forms in writing or by telephone from DPPE. The DPPE will promptly provide the applicant with the appropriate forms and a copy of the policies and guidelines. A pre-application appointment may be requested, to be scheduled at a time which is mutually acceptable to the applicant and the agency.

\* Applications must be submitted on 8 1/2" X 11" paper, as follows:

Full review - Original and two copies

Expedited review - Original only

\*\* Adjustments to Long Term Care Resource Goals - Original and six copies.

Page 8-A

### Procedures for Requests for Adjustments to Long Term Care Resource Goals.

The contact person specified on the application will be the only person to whom DPPE sends notification in matters relative to the status of the application during the review process. If the contact person (or his address) changes at any time during the review process, the applicant shall notify DPPE in writing.

#### 1. Expedited Review Procedures

Within 15 days of receipt of an application for an expedited review, DPPE shall review the application for completeness. The application is deemed complete for review purposes as of the date on which all required information is received.

-If DPPE fails to notify the applicant within 15 days that additional information is required, the application is deemed complete as of the date received.

-After an application is submitted, each time the applicant submits additional information subsequent to the date the original application was submitted, but prior to the application being declared complete, DPPE shall have 15 days from the date the

most recent information was submitted to declare the application complete or incomplete.

Page 13

### **NEGATIVE RECOMMENDATION (Restatement of federal regulations)**

When a proposal is found by DPPE to be in non-conformity, DHHS ordinarily excludes certain expenses related to the expenditure in determining federal reimbursement to be made under Title XVIII and Title XIX. However, if DHHS determines that one of the following conditions exists, such expenses shall be included in federal reimbursement.

a. the exclusion of costs for the proposal would discourage the operation or expansion of a health care facility which has demonstrated capability of providing comprehensive health services efficiently, effectively, and economically.

b. the exclusion of costs for the proposal would otherwise be inconsistent with the effective organization and delivery of health services.

c. the exclusion of costs for the proposal would be inconsistent with the effective administration of Title XVIII and/or Title XIX. For additional information, refer to 42 C.F.R. S100.108.

### **FAILURE TO PROVIDE TIMELY NOTICE**

When DPPE determines that an applicant incurred an obligation for a proposed expenditure without providing 60 days timely notice, DPPE shall send written notification to the applicant, to DHHS, and to any other agency deemed appropriate, that timely notice was not provided. DHHS will make a determination as to whether a penalty should be imposed, and will notify the applicant and DPPE.

### **EVIDENCE OF OBLIGATION/EXPIRATION OF APPROVAL**

Evidence of an obligation to make a capital expenditure must be received by DPPE within one year of the approval of the project (unless a six-month extension has been granted), or the approval will expire.

The following documents are acceptable as evidence of an obligation for the specified types of proposals:

#### **1. Construction projects**

A construction contract, enforceable under Louisiana law and duly executed by the appropriate parties is required. A construction contract must obligate the applicant and the building contractor to cause the capital asset approved under Section 1122 to be constructed. When a construction contract which has been accepted as evidence of an obligation is to be replaced with another construction contract, the replacement construction contract must be submitted to DPPE for review. If the contract replacement occurs during the approval period (12 months following conformity with Section 1122 requirements or 18 months for good cause), no action other than submission of the contract to DPPE will be required. Refer to Paragraph e for the policy regarding replacing an applicable original construction contract after expiration of the approval period.

A construction contract submitted as evidence of an obligation to make a capital expenditure must include the following provisions:

Page 15

documentation shall be duly executed by the parties who execute the construction contract. After review of such documentation, Division of Policy, Planning and Evaluation at its option may grant an extension for the submittal of the sworn affidavit.

e. If an applicant finds it necessary to replace the original contract after the approval period has expired and the replacement contract is intended to serve as evidence of a capital obligation, the applicant must include written documentation of the reasons for the change in contracts. The documentation must establish that the original contract was replaced for good cause. Good cause includes Acts of God, insolvency, bankruptcy, breach of contract or other situations beyond the control of the applicant.

The documentation must establish that the original contract is legally unenforceable or that from a practical standpoint it is not in the best interest of the project to enforce the contract.

The applicant must submit the proposed replacement contract for review along with the documentation described above. DPPE will review the required documentation and make a determination as to whether the replacement contract may serve as evidence of obligation for the project.

If the documentation does not clearly establish that the replacement of the original contract was for good cause, the project must be constructed with the original contract or the Section 1122 approval will expire.

If the applicant is unable to meet the time frames for vertical construction set forth in Paragraph b above, the applicant may request an extension of time in accordance with Paragraph d.

#### **2. Acquisition of a facility without financing**

The Act of Cash Sale shall be submitted.

#### **3. Acquisition of a facility with financing**

A copy of the loan agreement or any other financial agreement shall be submitted. Loan guarantees and loan commitments *do not* meet requirements for evidence of obligation for such transactions.

#### **4. Lease of facility**

A copy of the legally executed lease shall be submitted.

#### **5. A formal internal commitment of funds by a facility (or organization) for a force account expenditure**

Documentation shall be submitted from a financial institution verifying that a specific separate account (with funds equivalent to the amount of the proposed expenditure) has been designated by the applicant/owner for the project. In the case of a state-owned facility, an appropriation is considered a force account expenditure.

When a formal internal commitment of funds by a facility (or organization) for a force account expenditure is submitted as evidence of obligation for a project to be constructed, then vertical construction shall commence within 18 months from the date of the Notice of Conformity or 24 months from such date if an extension to submit evidence of obligation was granted. A substantial completion date shall be given upon timely commencement of vertical construction. Vertical construction and substantial completion shall be documented in the manner required in 1b-d above.

#### **6. Donated property**

Documentation including the date on which the gift is completed, in accordance with applicable Louisiana law, shall be submitted.

As provided in the regulations, the one year approval period may be extended for up to six months at the discretion of DPPE, upon request of the applicant, if one of the following conditions exist:

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## RULE

### Department of Health and Human Resources Office of Preventive and Public Health Services

The Department of Health and Human Resources, Office of Preventive and Public Health Services, adopts the following rule pursuant to LSA - R.S. 40:33 and R.S. 40:34 (B)(1)(a)(iv) pertaining to birth registration of illegitimate children.

Registration of illegitimate births shall occur in accordance with the provisions set forth hereinunder:

1. The surname of the illegitimate child may differ from that of the mother's maiden name and, if desired, the name of the natural father may appear on the child's birth certificate only if there is agreement between the mother and natural father of said child.

2. That agreement shall be signified by the signature of the natural father on the child's birth certificate. Additionally, an authentic act of acknowledgment or legitimation executed by the father before a notary and two witnesses will be required. The act shall include the father's name, city and state of birth, age and race.

3. The original act shall accompany the birth certificate for recordation in Vital Records Registry.

4. The above shall not apply to situations covered by R.S. 40:34 (B)(1)(a)(iii) and C.C. Arts. 179, 184 and 185.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## RULE

### Department of Health and Human Resources Office of the Secretary

Effective July 1, 1987, the Louisiana Department of Health and Human Resources (DHHR) will adopt the Title XX Annual Social Services Program (ASSP) Plan for the administration of Social Service Block Grant (SSBG) federal funding, and the Low Income Home Energy Assistance Program (LIHEAP) Plan for the administration of LIHEAP federal funding for fiscal year 1987-88. These federal funds will be administered in accordance with Public Law 97-35, the Omnibus Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Vol. 47, No. 129, Tuesday, July 6, 1982, pp. 29472-29493.

The DHHR Office of Human Development (OHD) is responsible for the administration of programs and services under the SSBG and LIHEAP Plans.

Copies of the entire SSBG and LIHEAP plans may be viewed at the Office of the State Register, 900 Riverside North, Baton Rouge, LA 70804, the State OHD Office at 1755 Florida Blvd., Baton Rouge, LA 70804, or at any OHD Division of Children, Youth, and Family Services (DCYFS) regional or parish office. Copies may be obtained by writing the Office of Human Development, Contracts Administration/Planning Section, Box 44367, Baton Rouge, LA 70804 or calling (504) 342-2272.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## RULE

### Department of Labor Office of Labor

The Department of Labor, Office of Labor, hereby amends certain rules and regulations under the Administrative Procedure Act (R.S.49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

The following is a list of the amendments to the Job Training Partnership Act rules and regulations.

#### Title 40

#### Labor and Employment

#### Part XIII. Job Training Partnership Act

#### Chapter 1. General Provisions

#### §101. Definitions

O. *Family* means:

1. One or more persons living in a single residence related by blood, marriage, or adoption. A stepchild or a stepparent is considered to be related by marriage.

2. a. For purposes of Paragraph 1 above, persons not living in the single residence but who were claimed as a dependent on another person's Federal Income Tax return for the previous year, unless otherwise demonstrated, shall be presumed to be part of the other person's family.

b. A handicapped individual may be considered a family of one when applying for programs under the Act.

c. An individual 18 years of age or older, except as provided in subsection a or b above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of a family. Such an individual is considered a family of one.

d. Individuals 55 years of age or older may be considered a family of one.

P. *Family income* means all income received from all sources by all members of the family for the six-month period prior to application computed on an annual basis. Family size shall be the maximum number of family members during the income determination period. When computing family income, income of a spouse and/or other family member shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

1. For the purpose of determining eligibility, family income includes:

a. gross wages and salaries (before deductions);

b. net self-employment income (gross receipts minus operating expenses); and

c. other money income received from sources such as net rents, royalties, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

2. Family income does not include:

a. non-cash income such as food stamps, or compensation received in the form of food or housing;

b. rental value of owner-occupied property;

c. welfare payment;

d. cash payments received pursuant to a state plan approved under Titles I, II, IV, X, or XVI of the Social Security Act;

e. federal, state, or local unemployment benefits;

f. payments made to participants in employment and training programs;

g. capital gains and losses;

- h. one-time unearned income, such as, but not limited to:
  - i. payments received for a limited fixed-term under income maintenance programs and supplemental (private) unemployment plans;
  - ii. one-time or fixed-term scholarship and fellowship grants;
  - iii. accident, health, and casualty insurance proceeds;
  - iv. disability and death payments, including fixed-term (but not lifetime) life insurance annuities and death benefits;
  - v. one-time awards and gifts;
  - vi. inheritance, including fixed-term annuities;
  - vii. Worker's Compensation weekly benefits and any settlement awards;
  - viii. terminal leave pay;
  - ix. soil bank payments, and
  - x. agriculture crop stabilization payment.
- i. pay or allowances received by any veteran while serving on active duty in the Armed Forces;
- j. educational assistance and compensation payments to veterans and other eligible persons under Chapter 11, 13, 31, 34, 35, and 36 of Title 38, United States Code;
- k. payments received under the Trade Act of 1974 as amended;
- l. black lung payments received under the Benefits Reform Act of 1977, Pub. Law 95-239, 30 USC 901;
- m. child support payments;
- n. income tax refunds;
- o. foster care payments;
- p. disaster assistance; and
- q. quarters (housing) allowances provided to members of the Armed Forces.

**§163. Prevention of Fraud and Program Abuse**

To ensure that integrity of programs under the Act, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for use of program funds. Abuse is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this rule identifies and addresses specific areas which need clarification.

This rule sets forth specific responsibilities of recipients, Service Delivery Area grant recipients and subrecipients to prevent fraud and program abuse in JTPA.

**A. Conflict of Interest**

1. No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member represents. Caution must be exercised by members to insure that council action does not render the member in violation of R.S. 42:1112, which under certain circumstances may require members to cure the conflict of interest through resignation.

2. Each recipient, Service Delivery Area grant recipient and subrecipient shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance and in the conduct of procurement activities involving funds under the Act.

3. Neither the recipient, any Service Delivery Area grant recipient nor subrecipient shall pay funds under the Act to any individual, institution, or organization to conduct an evaluation of any program under the Act if such individual, institution, or

organization is associated with that program as a consultant or technical advisor.

**E. Nepotism**

The Code of Governmental Ethics contains restrictions against the hiring of certain family members. Questions regarding the hiring of family members should be referred to the Commission on Ethics for Public Employees.

Johnny L. Hodges  
Assistant Secretary of Labor

**RULE**

**Department of Natural Resources  
Office of the Secretary**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.) and R.S. 56:700.2, the Department of Natural Resources has adopted the following rules and regulations, effective July 1, 1987.

The balance in the Fishermen's Gear Compensation Fund is less than \$100,000 and, pursuant to R.S. 56:700.2, an additional fee of \$700 will be assessed on each lessee of a state mineral lease and each grantee of a state right-of-way located in the coastal zone of Louisiana.

B. Jim Porter  
Secretary

**RULE**

**Department of Natural Resources  
Office of the Secretary**

In accordance with the Administrative Procedure Act and R.S. 47:648.11, the Department of Natural Resources has adopted the rule detailed below, effective June 20, 1987. This rule repeals and repromulgates rules, effective November 20, 1986, which adopted procedures for claiming a conditional severance tax exemption. Due to a perceived inconsistency between the provisions of the November 20, 1986 rules and R.S. 47:648.11, which inconsistency caused problems with the reporting and collection of the state severance taxes due on oil, the secretary deemed it necessary to adopt this rule.

**STEP SEVERANCE TAX EXEMPTION**

**I. Definitions**

1. Oil means crude petroleum oil, and other hydrocarbons, regardless of gravity, which are produced at the well head in liquid form by ordinary production methods (R.S. 30: 3(4)).

2. A qualified well means any well which is spudded on or after July 15, 1986 and on or before July 15, 1987.

3. Eligible barrels of oil means the first 50 barrels of oil produced daily from a qualified well or the cumulative total of 10,000 barrels of oil produced from a qualified well in an annual exemption period computed on the basis of no more than 50 eligible barrels of oil per day.

4. The annual exemption period means the 365-day period commencing the day after a well is determined to be capable of commercial production, except that if such a period com-

mences less than 365 days before July 15, 1990 it shall nonetheless end on such date.

#### II. General Rule of Exemption

An exemption from Louisiana's severance tax may be claimed for the first eligible 10,000 barrels of eligible oil produced by a qualified well during an annual exemption period. If a qualified well produces more than 50 barrels of oil on any given day during an annual exemption period, an exemption from Louisiana's severance tax may be claimed for only 50 barrels per day of such production. A taxpayer must claim the exemption for all eligible barrels of oil as they are produced or lose such exemption. The exemption shall expire in each annual exemption period when 10,000 barrels of eligible oil have been produced.

#### III. Limitations upon the Exemption

1. The exemption may be claimed for oil produced from a qualified well only.

2. The exemption may be claimed for the first 10,000 barrels of eligible oil produced within a well's annual exemption period.

3. The exemption may be claimed for oil which is sold for \$21 or less per barrel (as reported under R.S. 47.633(7)) only.

#### IV. Claiming the Exemption

1. A claim for exemption from the severance tax shall be filed monthly with the collector of revenue.

2. Forms for claiming the severance tax exemption shall be prepared and distributed by the collector of revenue.

3. At a minimum the claim of exemption form shall require reporting of the cumulative total of production during the current period of exemption and the cumulative total of exempt production claimed during the current period of exemption.

4. The claim of exemption form shall be accompanied by the producer's report, and the Office of Conservation certification that the subject wells are qualified wells.

B. Jim Porter  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of Forestry

Pursuant to the provisions of R.S. 56:1503, amended by Act 169 of 1969, the Forestry Commission proposes to adjust the prices at which forest tree seedlings are sold to landowners. Revised prices, to be effective July 1, 1987, are as follows: hardwood seedlings - \$125 per M for quantities of 500 or more per species (up \$25 per M); and \$150 per M for quantities under 500 per species (up \$50 per M); improved pine seedlings remain at \$30 per M and special pine seedlings remain at \$50 per M.

Interested persons may submit written comments through July 20, 1987, to Michael P. Mety, Assistant Secretary, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Michael P. Mety  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Revise Tree Seedling Prices

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no implementation costs involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Based on planned seedling production and anticipated sales, self-generated revenues will increase approximately \$17,500 over current year receipts to offset increases in nursery production costs for 1986-87. There will be no effect on revenues to local governmental units. This is solely a state program.  
Self-generated revenues (collected by the state/Office of Forestry) are determined by actual sales. Tree seedling production is based on landowner demand...actual production is a result of seed germination, favorable agricultural conditions and crop care.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Louisiana landowners will pay more for hardwood tree seedlings next year. Trees are sold at cost, and prices are adjusted periodically to offset production costs. Hardwood seedling prices will rise by \$25/M (from \$100 to \$125 per M) for quantities of 500 or more per species. For quantities under 500 per species, the price will be \$150/M.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on employment is expected.

W. D. Mercer  
Associate State Forester

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Commerce Office of the Secretary Industrial Development Prospect Fund

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 51:971, the Department of Commerce is hereby giving notice of its intention to adopt the rules below for the administration of the Industrial Development Prospect Fund. Written comments may be submitted to Nadia L. Goodman, Director, Policy and Planning, Box 94185, Baton Rouge, LA 70804-9185. Comments will be accepted through July 6, 1987.

RULE 1. Successful applicants and their contractors will be required to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors and labor, except where not reasonably possible to do so without added expense or substan-

tial inconvenience or sacrifice in operating efficiency. In considering applications for monies from the Industrial Development Prospect Fund, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of the proposed facilities. It is a legal and moral obligation of the manufacturers receiving monies under this program to favor Louisiana manufacturers, suppliers, contractors and labor, all other factors being equal.

RULE 2. Eligible applicants are those firms planning a facility to be located in Louisiana or an expansion of a facility located in Louisiana.

RULE 3. Net new permanent employment by the firm must be at least 10 employees.

RULE 4. Monies from the fund shall be in the form of a grant which can be used for the following purposes:

- a. construction;
- b. site preparation;
- c. access facilities;
- d. public works facilities such as sewer and/or water lines;
- e. developmental costs (engineering, architectural) for a, b, c and d only;
- f. working capital for facility operating costs and extraordinary start-up costs only.

RULE 5. Monies from the fund cannot be used for developmental costs such as feasibility studies, capital procurement, travel costs associated with the project, etc.

RULE 6. Grant monies from the fund must be expended within nine months after approval is received.

RULE 7. Approval is dependent on proof that only these funds can be used to bring the project to fruition or that the project would be implemented in another state and certification by the prospect that the project will be implemented upon receipt of the grant.

RULE 8. A local non-profit economic development corporation shall be selected by the state to administer the funds. The non-profit corporation shall be reimbursed eligible costs after submission to and approval by the state of invoices showing completed work or working capital expenditure.

RULE 9. Two copies of the application shall be submitted to the secretary of commerce and consist of:

- a. a brief statement of need;
- b. a project summary;
- c. a use of funds schedule.

After review, the secretary shall send the application to the governor with recommendations for funding.

RULE 10. The maximum grant shall be \$250,000.

Kay Jackson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Industrial Development Prospect Fund**

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

The program is funded by appropriations of not more than \$2,000,000 annually. However, there is no funding for this program in 1986-87 and none anticipated in 1987-88. Thus, the rules have no impact on expenditures.

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

There is no impact on revenues.

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

Benefits will accrue to recipients of any grants made, if funding is available. The maximum such grant would be \$250,000.

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

There is no effect on competition. If funded, economic benefits would include job creation.

Kay Jackson  
Secretary

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 amend rule LAC 35:5741, as follows:

**TITLE 35  
HORSE RACING**

**Part III. Personnel, Registration and Licensing  
Chapter 57. Association's Duties and Obligations  
§5741. Stable Telephone**

A. No telephone shall be installed in the stable area except upon the request of the association conducting the meeting and the written approval of the chairman of the commission.

B. The receiver and transmitter of any public (pay) telephone shall be installed within a box and shall be kept securely locked from 15 minutes before post time of the first race until 15 minutes after the finish of the last race.

C. No usage of such public telephones shall be made during the aforementioned times except upon express approval of the state steward.

D. Subsections B and C of this rule do not apply to business telephones in the stable area.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, July 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:5741 "Stable Telephone" (Amend)**

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

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Provision For Dismissal Of Senior Students - Bulletin 741

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed language submitted by the State Department of Education to be added as a procedural block under Standard 1.009.16, to read as follows:

"Each school system may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time". (Effective 1987-88 School Year)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

James Meza, Jr.  
Executive Director

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Standard 2.037.07 - Bulletin 741

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education deleted Standard 2.037.07 of Bulletin 741 relative to class time in ninth grade classes when operated as part of a junior high school since this standard conflicts with other standards on the same subject.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SBESE Motion 14

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
\$50 (printing and distribution of a one-page insert to Bulletin 741 omitting this standard.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no impact on revenue collections.
- 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.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Minimum Session/Instructional Day 1.009.16, B-741

- 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.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated effects 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 are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There are no estimated effects on competition and employment.

William E. Stephens, Jr.  
Assistant Superintendent

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Amendment to Bulletin 746

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the recommendations of the department to amend the last line of paragraph 3-b, page 84 of Bulletin 746, relative to certification in School Psychology to read as follows:

...at least two years under the supervision guidelines adopted by the Board of Elementary and Secondary Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 10, 1987 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Revision of School Psychologist**

- 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)  
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)  
This rule change will allow those school psychologists who were upgrading their certification under prior supervision rules to continue doing so under the new supervision rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule change will allow those school psychologists who were upgrading their certification under prior supervision rules to continue doing so under the new supervision rules.

Joseph F. Kyle  
Deputy Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Proposed Revisions to Bulletin 1525

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed revisions to Bulletin 1525: *Personnel Evaluation Accountability: A Guide for Implementation* as recommended by the Louisiana Department of Education and amended in committee and at board level as follows:

1. Time Lines for Implementation of LEA Personnel Evaluation Programs
  - A. Page 4 - Revised statement  
July 15, 1979 and annually thereafter, LEAs to submit revised personnel evaluation plans to Louisiana Department of Education. (hereafter referred to as LDE)
  - B. Page 4 - Revised statement  
October 1, 1979 and annually thereafter LDE to submit

summary of LEA personnel evaluation to Louisiana Legislative Committees on Education.

2. Section 3.0. Glossary of Terminology  
Page 9, Definition 31 - Revised statement  
Triennial -- occurring every third year
3. S.S. 6.3. Goals and Objectives Development Process-  
Revised statement Page 15, Paragraph 1 - Revised statement  
This subsection must include a narrative explanation of the procedures to be employed by the LEA in establishing goals and designing objectives for all certified and other professional personnel.  
ADD: Goals and objectives must be established annually by all certified and other professional personnel.
4. S.S. 6.4. A. Observation Procedures for All Personnel  
A. Page 18, item 2 - Revised statement  
At least two observations must occur prior to the evaluation of 0-3 year personnel and 4+ personnel evaluated triennially.
  - B. Page 19, item 5 - Revised statement  
Will one standard form be utilized for all personnel? If so, state as such and include the code number of the form. If not, state as such and include the titles and code numbers of the forms for the various categories of personnel.
  - C. Page 19, item 8 - Revised statement  
ADD: If so, explain.
5. S.S. 6.4. B. Evaluation Procedures for All Personnel  
A. Page 19, sentence 2 - Revised statement  
Any certified and/or professional employee must be evaluated at least annually for three years and thereafter at least triennially or as the need dictates or arises, provided, however, that whenever an employee is promoted, the process must begin anew.
  - B. Page 20, item 1 - Revised statement  
Is there more than one evaluator per evaluatee? If so, how will consensus of overall rating be determined?
  - C. Page 20, item 4 - Revised statement  
How will the evaluatee be informed of criteria of expected performance?
  - D. Page 20, item 5 - Revised statement  
Which forms will be utilized for various categories of personnel? Include the titles and code numbers of the forms.
  - E. Page 21, item 8 - Revised statement  
Explain how assistance will be initiated following evaluation procedures.
6. S.S. 6.6. Job Descriptions  
Page 27, item B - Revised statement  
Position Qualifications must be at least the minimum requirements as stated in LDE Bulletin 746 (as revised). Qualifications must be established for the position rather than the individual.
7. S.S. 6.7. Process Instruments  
Page 32, item 8 - Revised Statement  
ADD: Signatures and dates must be affixed at the time the assistance is prescribed and again after follow-up comments are completed.
8. The Reporting Format  
Page 42, item 10 - Revised statement  
The number of certified and other professional personnel, by categories, who resigned because of less than satisfactory evaluations or for other reasons related to job performance.
9. Procedures for Monitoring LEAs' Personnel Evaluation Programs
  - A. Page 56, item C - Revised statement

Meet with the contact person and/or other appropriate personnel to discuss the schedule. Sites to be visited will be decided upon by the LDE personnel evaluation staff.

B. Page 57, item G - Revised statement

Conduct a "close-out" session with the LEA superintendent, contact person and/or other appropriate personnel.

C. Page 58, item H - delete this statement

10. LEA Monitoring Schedule

Page 62 - ADD: Request for changes in the monitoring schedule must be submitted to BESE for approval.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.,  
Executive Director

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

#### **Rule Title: Revisions to Bulletin 1525**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost is \$15,800 over the amount currently in the Appropriations Bill for Research and Development.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
All certified and other professional school personnel will be held more accountable by the tightening of the language in the guidelines.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The revised language will improve the personnel evaluation program therefore improving the process used to assess personnel performance for the purpose of identifying and retaining competent personnel. This action could affect competition and employment.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Procedures Manual for the  
Bureau of Materials of Instructions and Textbooks

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 adopted Bulletin 1794, *Procedures Manual for the Bureau of Materials of Instructions and Textbooks*. Copies of the manual are on file in the Office of the Louisiana Register, Office of State Board of Elementary and

Secondary Education and State Department of Education, Bureau of Materials of Instructions and Textbooks.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

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

#### **Rule Title: Procedure Manual for Bureau of Textbooks**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost for printing these changes is \$3,952.92.
- 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 and/or economic benefit to persons or nongovernmental groups that will be served.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This change will have no effect on competition or employment.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Overexpenditure of Carl D. Perkins Funds

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 policy for the management of Carl D. Perkins Vocational Education Funds:

"Eligible recipients who are notified by the Office of Vocational Education that they have expended federal funds (Carl D. Perkins Vocational Education Act P. L. 98-254) out of compliance with federal guidelines, regulations and mandates shall reimburse the State Office of Vocational Education with state/or local funds upon notification"

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p. m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

James Meza, Jr., Ed.D.  
Executive Director

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

**Rule Title: Overexpenditure of federal  
(Carl D. Perkins) funds**

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

There are no costs or savings to state or local governmental units.

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

There is 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 are no costs or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendments 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 approved the following amendments to standards/procedures to the Nonpublic School Standards (Bulletin 741) as recommended by the Department of Education and Nonpublic School Commission:

1. Add as a new procedure to Standard 6.006.01:

After the annual school reports are submitted by the Department of Education to the Board of Elementary and Secondary Education for approval classification, all nonpublic schools seeking to change their classification category must submit their request to the Board of Elementary and Secondary Education for reviewing by the Due Process Committee.

2. Adopt as a standard:

An unapproved school which reapplies for state approval must qualify for approved status.

3. Add as a procedure for Nonpublic Standard 6.009.03:

The pre-kindergarten program shall be listed on the annual school report when operated as a developmental program within the total school program.

Any other program which operates in a school as a child-care program, shall follow the standards as prescribed by the Department of Health and Human Resources (DHHR) and are not to be listed on the annual school report.

4. Amendments to Nonpublic School Standards:

a. that *Pre-kindergarten* be added to the list of instructional staff in the first line of Standard 6.016.15;

b. that *K-12* in the procedural block following the last line of Standard 6.016.19, be amended to state *Grades 1-12*;

c. that the following procedural blocks be added following

Standard 6.016.15: Teachers in the pre-kindergarten class shall be qualified in either elementary, kindergarten, nursery school or have 12 hours in child growth and development.

Teachers in the kindergarten class shall be qualified in either elementary, kindergarten, or have 12 hours in child growth and development.

5. Adopt a new standard to follow Standard 6.038.01 to read:

The class size for pre-kindergarten developmental programs shall not exceed 20 children for one teacher. Schools that choose to use the assistance of a full-time aide may have a maximum of 30 children per class.

6. Add a definition of pre-kindergarten to Bulletin 741 to read:

Pre-kindergarten: no more than one year younger than the age established for kindergarten.

7. Adopt the following new standards:

Student Instructional Day/School Calendar

a. Each school shall adopt a calendar for a minimum session of 180 days, two semesters of 90 days each, of which at least 175 shall be scheduled to provide the required instructional time. Refer to 17:154.1.

b. If a school does not meet at least 175 school days, the Board of Elementary and Secondary Education (BESE) shall require the school to adjust its calendar to meet the minimum days of required instructional time by such means as Saturday classes, reduced holidays, expanded calendar length, etc.

School systems shall notify the Board of Elementary and Secondary Education (BESE) immediately when the minimum number of days of required instructional time cannot be met in crises such as fire, natural disasters, desegregation, and so forth.

An alternative proposal to the original school calendar shall also be provided by the school which meets the minimum number of 175 instructional days.

c. Each instance of a school not meeting the minimum number of 175 days of required instructional time shall be examined by the Department of Education (DE) and reported by the department/school to the Board of Elementary and Secondary Education (BESE).

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 10, 1987 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

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

**Rule Title: Revisions to Nonpublic School Standards**

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

There will be some minor cost associated with the new standards, specifically in the printing of the annual school report and the printing of the new standards.

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 will be no estimated costs or economic benefits.  
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some nonpublic schools might need to hire additional personnel in order to comply with the standards; however, it is impossible to estimate the effect because of the uniqueness of each nonpublic school.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Norm-Referenced Testing Program

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 directed that the Norm-Referenced Testing Program (NRT) required by R.S. 17:24.4 will be administered statewide for Grades 4, 6, and 9, to be implemented in April, 1988.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Norm-Referenced Testing Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost to the state in fiscal year 1988 is \$280,000. The cost savings will be enjoyed by local school boards statewide.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The major economic benefit to students would be in the futuristic sense that students with achievement deficiencies can be identified, remedial action taken, and therefore graduate from high school or college to proceed with the ability to generate a higher standard of living for themselves and their families.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Salary Scale for Principals and Assistant Principals in Special School District #1

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 directed that Special School District #1 principals and assistant principals be placed on the salary scale of the parish in which the SSD #1 program is located.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Principal salary Schedules (Parish)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated cost to the state general fund totals \$48,759 composed of \$42,399 in salary increases and \$6,360 in related benefits.
- 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)  
Conversion to a schedule based on the local salary schedule will result in total salary and related benefits increases of approximately \$74,816 for ten positions and total decreased of \$26,057 for eight positions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This rule change may make employment of principals and assistant principals more difficult in the district because it will lower the compensation of eight positions by between \$1,266 and \$5,951 per position. Five of the positions will now receive less compensation than certain subordinate positions in their respective facilities.

Joseph F. Kyle  
Deputy Superintendent

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Environmental Quality Office of the Secretary

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Sections 1139, 1140, and 1141 and in accordance with the provisions of

the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the rules of procedure of the secretary.

The proposed amendments to the Louisiana Hazardous Waste Regulations, Chapters 1, 2, 3, 4, 7, 17, 19, 20, 22, 23, 24 will require facilities to regulate used oil, post-closure activities, review their waste streams to look for new listed wastes, and other miscellaneous items. It will also allow for satellite accumulation.

The proposed amendments are to become effective on August 20, 1987, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on July 6, 1987, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 N. Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than July 14, 1987 to Joan Albritton, Assistant Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. She may be contacted at the address above, or telephone (504) 342-4685. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building  
Room 615, 6th Floor  
625 North Fourth Street  
Baton Rouge, Louisiana

State Office Building  
1525 Fairfield Avenue  
Shreveport, Louisiana

Department of Environmental Quality  
1155 Ryan Street  
2nd Floor  
Lake Charles, Louisiana

Department of Environmental Quality  
804 31st Street  
Monroe, Louisiana

Department of Environmental Quality  
2945 North I-10 Service Road  
Metairie, Louisiana

Department of Environmental Quality  
100 Eppler Road  
Lafayette, Louisiana

Martha A. Madden  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Cluster 1 & 2 Conformity Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost to state or local governmental units to implement these regulations. Current staff can absorb the changes.
- 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)  
Required increases in waste management and documentation for certain industry groups, elimination of used oil generator notification requirements, satellite accumulations provisions and closure/AISA provisions, this rule will result in an estimated net cost to directly affected persons or non-governmental groups of \$321,667.00 for the first year, and \$51,667 for 2nd and 3rd years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on employment or competition. All applicable facilities will be subject to the same regulations.

Martha A. Madden  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Office of the Governor  
Commission on Law Enforcement and Administration of  
Criminal Justice**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement intends to adopt rules which will apply to the implementation of the Peace Officer Standards and Training (POST) Law, R.S. 40:2401-2505.

**Title 22  
Corrections, Criminal Justice and Law Enforcement  
Part III. Commission on Law Enforcement and Administration of Criminal Justice  
Subpart IV. Peace Officers  
Chapter 1. Standards and Training  
§101. Basic Certification**

A. All full-time peace officers, as defined in R.S. 40:2402, shall complete a minimum 240-hour basic training course certified by the POST Council. Reserve officers may be eligible for certification if they successfully complete the 240-hour training course prescribed for full-time peace officers. All training shall be completed at a law enforcement training center accredited by the POST Council.

B. Students shall qualify with an approved service weapon on the POST-approved firearms qualification course and all scoring will be computed and recorded by a firearms instructor certified by the POST Council.

C. Students shall be required to pass the POST statewide examination for peace officers as prescribed by state law. Seventy percent shall constitute a passing score.

D. In the event a student fails the examination, one retest may be administered if the agency head so desires. If said student fails the retest, the student shall be required to complete another academy and satisfy all POST requirements to obtain certification. R.S. 40:2405 gives the POST Council the authority to seek and injunction prohibiting such an individual from exercising the authority of a peace officer if all POST requirements are not met.

E. To maintain certification, officer shall be required to requalify yearly on the POST firearms qualification course, demonstrating at least 75 percent proficiency. Scoring shall be computed and verified by a firearms instructor certified by the POST Council. If the period between qualifying exceeds 18 months for any reason, the officer will be required to complete a basic firearms course at an accredited academy.

### §103. Registration of Officers

A. Registration may be granted in lieu of certification to those officers who were hired prior to January 1, 1986, who did not attend POST-certified basic training.

1. Officers hired prior to January 1, 1986 may be eligible to receive POST registration by completing the following requirements:

a. A letter from the agency head shall be submitted to the POST Council indicating a desire to have the officer registered with the state.

b. Documentation shall accompany the letter regarding initial employment date and continuous law enforcement service.

c. POST registration shall not apply to reserve/auxiliary officers.

### §105. Out-of-State Transfers

A. Out-of-state transfers shall be eligible for certification by meeting the following criteria at an accredited academy:

1. present a valid out-of-state POST certificate;

2. successfully complete Section Two of the *Louisiana Law Enforcement Basic Training Manual*, "Legal Aspects" Section;

3. qualify on the POST firearms qualification course, as attested to by a certified firearms instructor;

4. pass the statewide examination for peace officers with a minimum score of 70 percent;

5. if there has been an interruption of service in excess of three years, the officer shall be required to attend the full basic training course at an accredited academy.

### §107. Interruption of Full-Time Service

A. Any peace officer hired prior to January 1, 1986 who interrupts his full-time law enforcement service for a period in excess of three years and is thereafter rehired, shall be required to meet the basic training requirements for new peace officers. However, if such officer has already completed a certified basic course, he shall be required to complete the Legal Aspects portion of the course, qualify on the firearms qualification course, and pass the statewide examination, all at an accredited academy. Proof of basic training will be required.

B. Any officer hired after January 1, 1986 who interrupts his full-time law enforcement service for a period in excess of three years and is thereafter rehired, shall be required to meet the requirements outlined in the Subsection above.

### §109. Instructor Qualifications

A. Full-time academy instructors must meet the following qualifications:

1. shall possess two years college and/or practical experience in law enforcement or corrections;

2. each two years experience may be substituted for one year of college. Any combination of above will be acceptable;

3. shall have completed the instructor development course conducted by the Federal Bureau of Investigation. If the course is not available within Louisiana within one year, POST may waive this requirement until such time as a course becomes available;

4. shall have completed three years practical experience in law enforcement or corrections field.

B. Specialized instructors shall meet the following qualifications:

1. shall be a full-time employee of a public criminal justice agency;

2. shall have recommendation of an academy director or agency head;

3. shall successfully complete all aspects of specialized instructor school as presented by POST and the Federal Bureau of Investigation (FBI);

4. shall attend POST-sponsored instructor retrainers on an annual basis.

### §111. Firearms Qualification

A. Basic Firearms Qualification

1. On a 25-yard range equipped with B-27 silhouette targets, the student, given a pistol or revolver, holster and 240 rounds of ammunition, will fire the POST firearms qualification course at least four times. Scores must be averaged and the student must:

a. fire all courses in the required stage time;

b. use the correct body position for each course of fire;

c. fire the entire course using double action only, except in the case of single action only semi-automatic pistols;

d. fire no more than the specified number of rounds per stage;

e. fire each course at a distance not appreciably lessor nor greater than that specified;

f. achieve an average score of not less than 225 out of a possible 300 points, which is 75 percent or above;

g. have all targets graded and final score computed by a POST-certified firearms instructor.

B. Annual Requalification

1. The requirements for annual requalification are the same as for basic qualification, with one exception. If the firearms qualification course must be fired more than once, the scores shall be averaged as designated in basic firearms qualification.

### §113. POST Firearms Qualification Course

A. Stage one

At the 25-yard line, student will fire six rounds right-hand barricade standing and six rounds right-hand barricade kneeling, in sixty seconds.

B. Stage two

At the 25-yard line, student will fire six rounds left-hand barricade standing and six rounds left-hand barricade kneeling, in sixty seconds.

C. Stage three

At the seven-yard line, student will fire 12 rounds, point shooting, in 25 seconds.

D. Stage four

At the four-yard line, student will fire three rounds, one-hand hip shooting, in three seconds. Student will hold, and not reholster. Again, student will fire three rounds in three seconds.

E. Stage five

At the four-yard line, student will fire three rounds, one or two-hand hip shooting, in three seconds. Student will hold, and not reholster. Again, student will fire three rounds in three seconds.

F. Stage six

At the two-yard line, one-hand close quarters, student will fire two rounds in two seconds. Student will hold and not reholster. This is repeated twice.

G. Stage seven:

Repeat stage six.

H. On ranges where 15 yards is maximum target distance, a B-29 target will be utilized when the course above calls for a distance of 25 yards. At other distances, the B-27 will be utilized. The entire course is fired with a hot line, meaning the officer shall automatically reload as soon as his weapon is empty.

Comments may be submitted in writing through July 15, 1987, to the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza  
Executive Director

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

**Rule Title: Peace Officer Standards and Training  
Certification**

- 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)  
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 and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Michael A. Ranatza  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Division of Administration  
Office of State Planning**

**Louisiana Community Development Block Grant  
(LCDBG) Program  
Corrective and Remedial Actions**

**Introduction**

This policy describes the types of administrative actions that can be taken by the Louisiana Division of Administration

(DOA) in cases of improper or inadequate performance by recipients of Louisiana Community Development Block Grant (LCDBG) Program grants. In each instance, to the extent possible under the circumstances, the action taken will be intended, first, to prevent a continuation of the deficiency; second, to mitigate any adverse effects or consequences of the deficiency; and third, to prevent a recurrence of the same or similar deficiencies.

**Types of Deficiencies**

A deficiency is an instance of non-performance of activities or non-compliance with requirements as set forth in the grant contract between the state of Louisiana and the grant recipient. Examples of deficiencies are the following:

- 1. Failure to clear monitoring findings. On-site monitoring covers these program aspects: financial management, environmental, labor standards, fair housing/equal opportunity, acquisition, relocation, rehabilitation, citizen participation, procurement, program progress, public improvements, and compliance with national objectives. An on-site monitoring visit may be conducted as a matter of routine monitoring or whenever problems come to the attention of the DOA. Once the monitoring visit has been made, a letter is written to the recipient which lists each finding made, the corrective action required, and a target date for the corrective action to be accomplished. Upon receipt of the recipient's response, the state determines whether or not the information is sufficient to resolve the findings. A status letter is then prepared for the recipient which addresses each finding. Findings which are not properly resolved remain outstanding, and a new target date is given to the recipient.
- 2. Failure to file reports as required. Examples: Minority Business Report, Semi-Annual Budget and Reconciliation Report, Economic Development Quarterly Reports, Developer's Financial Statements, the Performance Assessment Report, Audits, etc.
- 3. Failure to resolve an audit finding within 120 days.
- 4. Incurring of ineligible cost. These costs are described in the regulations for HUD entitlements, 24 CFR Part 570.207.
- 5. Lack of continuing capacity to administer the program.
- 6. Failure to execute planned activities in accordance with the implementation schedule included in the contract between the state and the recipient.
- 7. The implementation of a project change without prior state approval.

**Notice of Deficiency**

The first step in the corrective procedure is for the DOA to send a Notice of Deficiency to the grant recipient. The notice describes the deficiency specifically and objectively, describes the action the recipient must take in order to remedy the deficiency (with a deadline for doing so), and describes the consequences of failure to remedy the deficiency (that is, administrative sanctions or legal action).

**Sanctions**

If the deficiency remains uncorrected, one or more sanctions are imposed. The choice of sanction(s) to be applied is governed by the objectives stated in the Introduction, the type of deficiency, and the term of the grant contract. The possible sanctions are as follows:

- 1. Required administrative change. Example: If the consultant who is administering the program is doing a poor job, but the recipient has the continuing capacity to administer, the recipient may be required to discharge the consultant and engage someone else to administer the program.
- 2. Suspension of grant payments.
- 3. Reduction of grants.

4. Termination of grant.
5. Reimbursement of disallowed cost.
6. Disqualification from consideration for other LCDBG grants. Criteria for disqualification shall be consistent with/but not limited to the state's threshold requirements for funding.
7. The state may pursue legal action.

If the recipient does not comply with the sanction imposed, or if the recipient's response does not remedy the problem, additional sanctions may be imposed, or the matter may be referred for legal action.

**Appeals**

The final determination to impose any of the above sanctions shall be subject to review by the assistant commissioner of administration supervising CDBG activities. Any recipient that desires such review shall submit a detailed written request to the assistant commissioner with 20 days of receipt of notification of sanction(s). A decision shall be rendered within 20 days of receipt of the request for review, unless a greater length of time is agreed to by recipient.

This policy is to be effective on August 20, 1987, and is to remain in force until it is amended or rescinded. Anyone having comments should contact: J. W. Vaughn, Assistant Commissioner, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095.

Stephanie L. Alexander  
Commissioner

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

**Rule Title: Corrective and Remedial Actions**

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

The policy will not affect costs or savings to the State or local governments, except with the possibility of local governments who could be required to repay funds to the state.

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

There will be no effect on revenue collections, other than those funds which could possibly be reimbursed to the State. These would not be new revenues, only reimbursements.

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

No persons or non-governmental groups will be directly affected by this policy.

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

The policy will provide further insurance that all requirements pertaining to competition and employment are met.

Sally Clausen  
Deputy Commissioner

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Office of the Governor  
Office of Minority Business Enterprise**

Effective September 20, 1987, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et

seq., the Office of the Governor, Office of Minority Business Enterprise, proposes to amend LAC 19:111.1517 and LAC 19:111.1703.

Add Subsection D to 1517 as follows:

**Chapter 15. Designation and Setting Aside of Procurement Activities for Minority-Owned Business Participation**

**§1517. Designation of a Minority Set-Aside Bid.**

D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority-owned businesses in Louisiana that are certified, nor are there three such minority-owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set-aside for the exclusive participation of certified minority-owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701.D and §1703.A relative to not exceeding 15 percent of what could have been obtained via open-market competition.

Amend §1703 A. and E. as follows:

**Chapter 17. Criteria for Procurement of Goods and Services**

**§1703. Consulting Service**

Criteria for requests for proposal for consulting services under Chapter 16. When the award for a contract for consulting services has been set-aside for minority-owned business participation and at the time request for proposals are to be distributed there are not at least three certified minority-owned businesses available to bid on the contract or class of contracts involved or the contract has not been set-aside in accordance with §1517 D of these rules and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.

In all cases, the state agency or educational institution actually making the award, either under open competitive bidding or under the set-aside provisions of this Title, may reject all proposals if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set-aside under the set-aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open-market competition.

Interested persons may submit written comments on the proposed amendments to Clovier Torry, Office for Minority Business Enterprise, Box 94095, Baton Rouge, LA 70804-9095.

Maxine Cormier  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Certified Minority**

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

Any fiscal impact due to designation of set-asides for minority-owned businesses is not possible to compute due to the relativity of circumstances.

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

There will be no effect on revenue collections due to these rule changes.

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

The proposed changes serve to detail and clarify procedures within an existing framework of authority; therefore, there would be no costs to directly affect persons or non-governmental groups. Benefits due to eligibility for set-aside contracts are not possible to compute at the present time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes would increase the opportunity of minority vendor's to participate in the bidding process.

Maxine Cormier  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Embalmers and Funeral Directors**

The Department of Health and Human Resources, State Board of Embalmers and Funeral Directors, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and L.R.S. 37:840 gives notice that rulemaking procedures have been initiated to amend the following rule:

**Chapter 7. Renewal**

**§701. License Renewal and Reinstatement**

Section 1. All individual licenses issued by the board shall expire on the thirty-first day of December of each year and must be renewed on or before that date. All establishment licenses and pre-need affidavits shall also expire on the thirty-first day of December and must be renewed on or before that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee of \$25 for individual licenses for embalmers and/or funeral directors and not more than \$300 for funeral establishments. There is no fee for the annual report of prepaid funeral services or merchandise.

Section 2. Application for renewal of individual licenses and establishment licenses may be submitted to the board any time after October 1 of each year. For each renewal application submitted between the period October 1 and November 30, the renewal application fees may be submitted and paid in cash, check or money order. Any and all renewal applications for licenses postmarked and received after November 30 must be paid by either cash, money order or cashier's check. When a licensed funeral establishment or individual licensee renews the license, if, for any reason, the check or money order received is not paid by the bank for non-sufficient funds (NSF) or any other reason, the licensee of the firm forwarding the funds shall be assessed a penalty of \$10 for individual license and \$25 for establishment license. In either event, the license fee and penalty must be in the office within 10 days after the notice of NSF or nonpayment is received.

Section 3. When a funeral director or embalmer has failed to renew his license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided application is made to the board along with regular application and fee of \$150. If the funeral director or embalmer has failed to renew within the specified time, he must present his

request in person to the board, which may, at its discretion, renew or refuse to renew the lapsed license. In any event, no license will be re-instated without a payment of all fees delinquent from date of lapse to date of reinstatement.

Section 4. When a licensed funeral establishment fails to renew its license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and if the board is satisfied that the applying establishment meets all requirements, it shall issue a renewal license for the remaining portion of the current year upon payment of regular application fee of five hundred dollars.

Section 5. As all license applications are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and establishments so applying on December 15 of each year.

The primary purposes of the proposed revisions are to clarify point of time at which licenses become delinquent, clarify reinstatement of delinquent license procedure and eliminate problems with NSF checks.

Interested persons are invited to submit written comments on the proposed revisions. Such comments should be submitted no later than the close of business on July 15, 1987 to Lloyd E. Eagan, Secretary, Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011

Lloyd E. Eagan  
Secretary

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

**Rule Title: Rule 7 - License Renewal and Reinstatement**

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)

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 and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Lloyd E. Eagan  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the

Aid to Families With Dependent Children Program (AFDC) and the Child Support Enforcement Services.

Presently, when assigned child support payments are received and retained by an AFDC applicant or recipient, under 45 CFR 302.31 and 45 CFR 233.20(a)(3)(v) the IV-D agency (Child Support Enforcement) shall notify the IV-A agency (AFDC program) when it discovers that directly received payments are being or have been retained. Assigned support received and retained by an AFDC applicant/recipient is then budgeted in AFDC in determining monthly benefits.

The state has the federal regulation option of selecting another method of handling directly received and retained assigned child support. The other option is offered at 45 CFR 302.31(a)(3)(ii), such that the IV-D agency shall recover the retained support payments. This recovery by the IV-D agency is to be carried out in accordance with standards for program operations in 45 CFR 303.80.

#### PROPOSED RULE

When assigned child support payments are received and retained by the AFDC applicant/recipient, responsibility is now placed with the IV-D agency (Child Support Enforcement Services) to recover all such payments in accordance with 45 CFR 303.80. The only exception is a direct payment retained by the recipient during the period when the sanction for failure to cooperate is in effect, as provided at 45 CFR 232.12(d).

In providing for this policy the IV-D staff must:

1. document that the recipient has received and retained direct payments, and the amounts,
2. provide a written notice of intent to recover the payments to the recipient including:
  - a. an explanation of the recipient's responsibility to cooperate by turning over direct payments as a condition of eligibility for AFDC, and a sanction for failure to cooperate as provided at 45 CFR 232.12(d),
  - b. a detailed list of the direct payments as documented by IV-D, including dates and amounts of payments and description of documentary evidence possessed by IV-D.
  - c. a proposal for a repayment agreement related to the recipient's income and resources including the AFDC grant and the total amount of retained support.
  - d. providing the opportunity for the recipient to have an informal meeting to clarify his responsibilities and to resolve any differences regarding repayment.

The IV-D Agency (Child Support Enforcement Services) must refer the case to IV-A (AFDC Program) with evidence of failure to cooperate if the recipient refuses to sign a repayment agreement or signs an agreement but subsequently fails to make a payment. IV-D must also notify IV-A if a recipient later consents to an agreement or if the recipient who defaulted on the agreement begins making regularly scheduled payments.

To recover amount due from any period of default, the IV-D agency (Child Support Enforcement Services) must extend the duration of the agreement.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security and each Child Support Enforcement Regional Office.

A public hearing on this proposed rule will be held on July 8, 1987 in the Louisiana State Library Auditorium, 760

Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: IV-D Recovery

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be a one time implementation cost of \$206 for issuance of an executive bulletin, manual policy changes and forms revisions.
- 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 costs expected for implementation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition and employment is expected.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

### NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Food Stamp Program.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 52, No. 47, Wednesday, March 11, 1987, pages 7554-7558. It was necessary to adopt this as an emergency rule as an April 1, 1987 implementation date is mandated.

#### Proposed Rule

Effective May 1, 1987 homeless food stamp recipients (including newly eligible residents of temporary shelters for the homeless) may use their food stamps to purchase prepared meals served by an authorized public or nonprofit establishment that feeds homeless people.

A "Homeless food stamp household" is an eligible food stamp household which has no fixed mailing address or does not reside in a permanent dwelling. The "Homeless meal provider" is a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) approved by the Office of Family Security that feeds homeless food stamp households. To be eligible to accept food stamps, a meal provider must also be authorized by Food and Nutrition Service (FNS) after the Office of Family Security approves them. This rule changes the definition of residents of institutions to exclude those residents of public or private nonprofit shelters for homeless persons.

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Food Stamp Program Homeless Recipients**

The provider must serve meals that include food purchased by the establishment. A meal provider serving only meals which consist wholly of donated foods will not be eligible for authorization.

Only those food stamp households determined to be homeless shall be permitted to use food stamp benefits to purchase prepared meals served by authorized homeless meal providers. To ensure that the use of food stamps for prepared meals is restricted to homeless persons, homeless meal providers shall establish that person's right to use coupons to purchase meals.

Applicant meal providers must apply for approval at the Office of Family Security in their parish. An approval review at the provider's establishment will be conducted by the regional food stamp consultant. After approval has been granted by OFS, the provider must make application to an FNS Field Office to receive authorization to accept food coupons. The two FNS Field Offices are located at 2156 Wooddale Boulevard, Suite 400, Baton Rouge, LA 70806, Phone Number (504) 389-0491 and at 211 North Third Street, Room 102, Monroe, LA 71201, Phone Number (318) 387-3634.

The homeless meal providers may not redeem food stamps through financial institutions for cash. Meal providers will therefore be restricted to redeeming food stamps received from homeless persons through authorized wholesale food outlets and through authorized retail food stores for food only.

The use of food stamps to purchase meals from homeless meal providers is voluntary on the part of food stamp recipients. Food stamp recipients must continue to be given the option of using cash if payment for a meal is required. In addition, if others have the option of eating free or making a monetary donation, homeless food stamp recipients must be given the same option (eat free, or donate money or food stamps.) The amount requested from homeless food stamp recipients using food stamps to purchase meals may not exceed the average cost to the homeless meal provider of the food contained in a meal served to the patrons of the meal provider. If a homeless recipient voluntarily pays more than the average cost of food contained in a meal served, such payment may be accepted by the meal provider.

However, neither cash change nor credit slips shall be returned for coupons used for the purchase of prepared meals from authorized homeless meal providers. Such meal providers may use uncanceled and unmarked \$1 coupons which were previously accepted for meals served to food stamp recipients when change is required for \$5 and \$10 coupons.

Homeless meal providers will not be permitted to serve as "Authorized Representatives" for homeless food stamp households.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on July 8, 1987, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The cost is \$300 (\$150 state and \$150 federal). Food Stamp coupons are 100% federally funded.
- 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)  
Homeless food stamp recipients would be able to take advantage of available benefits. Meal providers can now be reimbursed for meals previously distributed at little or no charge.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Management and Finance  
Division of Policy, Planning and Evaluation**

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the Louisiana State Health Plan to be effective August 20, 1987. The proposed changes will be made to the rule published in Volume 13, Number 2 of the *Louisiana Register*, February 20, 1987 and LAC 48:I.11535.

The following Section will be added to Chapter 9 - Health Resource Requirement.

A. Health Care for Persons with Acquired Immunodeficiency Syndrome

It is recognized that certain factors may limit accessibility of health care facility beds to persons who have been diagnosed as having Acquired Immunodeficiency Syndrome (AIDS) or even persons who have tested positive for evidence of the virus (HIV) in the body. Many times persons must remain in a hospital for a significant number of days at \$450-\$800 per day because of the inaccessibility of nursing home care. Sixty percent of the cases documented to date are from Orleans parish. For these reasons, a need exists for 100 beds which may be approved to care for these patients, not necessarily in the same facility. These beds shall be provided, in order of priority by:

1. using existing beds in several health care facilities (acute or long term care) which can be converted to meet the standards for this care;
2. converting an entire existing facility to provide care for these patients; or
3. developing a new facility for this use.

Current estimates predict uninterrupted growth in the size of the AIDS population since no effective medical intervention

exists. Each 12 to 14 months the total number of cases doubles. Since 1981, when these cases were first officially counted, there have been 419 diagnosed AIDS cases and 65 percent of those patients are now deceased. From July 1, 1987 to June 30, 1988, an additional 400 or more new cases are expected to develop.

Of the new cases, some patients will experience fulminant disease resulting in early death, while others may remain relatively well or in need of episodic care with some periods of relative wellness. Others will survive hospitalization and will experience a partial recovery, but will need varying levels of nursing or personal care. It is estimated that 35-40 percent of these new patients (140-160) will need institutional care at some time. With the addition of some of the AIDS patients still living from the cases occurring before FY 1988 (currently approximately 147), the significance of appropriate planning and providing for nursing home care for these individuals is critical.

Applications for Proposals to Serve Patients with Acquired Immunodeficiency Syndrome

Section 1122 applications for health facility beds specifically for patients with Acquired Immunodeficiency Syndrome shall be submitted on the full review application form (nine copies) and shall be accepted by the Division of Policy, Planning and Evaluation on a schedule to be announced in the Potpourri section of the State Register. All the policies and procedures contained in the policies and guideline for the Section 1122 program will be applied to these applications. Neither the beds nor the on going utilization in this facility will be counted in determining the need for other nursing home facilities. The Section 1122 approval for these specialized beds is limited for the purpose of serving the AIDS population, except, if an existing facility converts beds for this purpose, the Section 1122 approval will be reinstated upon discontinuance of the need to serve this population.

The applications will be considered on a comparative basis and will be referred to a committee of knowledgeable professionals who will review the applications and provide written comments to the division. The following will be members of the committee: The assistant secretary of the Office of Family Security, the assistant secretary of the Office of Preventive and Public Health Services, and the assistant secretary of the Office of Charity Hospital at New Orleans, the administrator of the Division of Licensing and Certification, the chair of the Statewide Health Coordinating Council, the ombudsman coordinator of the Governor's Office of Elderly Affairs and the director of the Bureau of Civil Rights of DHHR.

Division of Policy, Planning and Evaluation shall forward copies of the applications to be reviewed to the above noted committee members after such applications are declared complete. The transmittal will include the date of the public hearing and the decision due date. The division shall also forward a summary of the public hearing comments to the committee members. Each committee member shall forward comments and recommendations to the Division of Policy, Planning and Evaluation. These shall be received by division at least five working days prior to the decision due date.

The long term care and acute care sections will be revised to reference this additional Section.

Interested persons may submit written comments on the proposed changes until July 20, 1987 at the following address:

Mrs. Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette Street, Suite 406, Baton Rouge, LA 70801.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

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

#### **Rule Title: Changes to the State Health Plan to allow beds for AIDS patients**

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

The estimated implementation cost to the state is as follows: FY88 \$382,371; FY89 \$662,543; and FY90 \$883,391. This cost covers additional long term care days. Acute care costs to the state will decrease, since many of these patients are being kept in charity hospitals after all Medicaid payments have been exhausted because no long term care beds are available. It is estimated that the acute care costs are \$450 to \$800 per day.

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

Additional federal Title XIX matching funds will be received in the amount of \$798,879 for 1987-88, \$1,390,582 for 1988-89 and \$1,854,109 for 1989-90.

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

It can be assumed that an increase in services as a result of the change in the resource goals might accrue economic benefits to the developers of such services and the local area. The magnitude of these benefits can not be calculated with present information.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It can be assumed that an increase in the provision of services will affect the employment in the local area. The magnitude of this change cannot be calculated.

Sandra L. Robinson, M.D., M.P.H.     David W. Hood  
Secretary and State Health Officer     Legislative Fiscal Analyst

### **NOTICE OF INTENT**

#### **Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation**

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the Louisiana State Health Plan to be effective August 20, 1987. The proposed changes will be made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985 and to LAC 48:I.105 and 115. The changes are as follows:

1) Chapter 4, *Statewide Health Priorities*, has been updated to describe a survey conducted in 1986 which reaffirmed the priority health needs in Louisiana as being: a) cost containment; b) alternatives to institutionalization; and c) health promotion.

2) The need-related resource goals contained in Chapter IX of the State Health Plan have been revised in order to explicitly state the intent of the plan; that is, in all cases where the word *should* is used, the word *shall* will be substituted. *Shall* is defined as *must* and more clearly reflects the Department's intent and practice of using the resource goals as mandatory standards.

Example: Page 9-60 of the state plan states that the nursing home bed supply should not be more than 80 per 1000 population age 65 + ; the words *shall not* will replace *should not* in this sentence.

Interested persons may submit written comments on the proposed changes until July 20, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette Street, Suite 406, Baton Rouge, LA 70801.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Changes to State Health Plan  
Chapters IV & IX**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No implementation costs are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect on revenue collections is expected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
No costs and/or economic benefits to directly affected persons or non-governmental groups are expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effect on competition or employment is expected.

Sandra L. Robinson, M.D., M.P.H.     David W. Hood  
Secretary and State Health Officer     Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of the Secretary**

The Department of Health and Human Resources proposes to adopt changes to the "Rate Setting for Residential Care System Manual" in the area of requirements for the filing of appeals. This proposed change is in accordance with R.S. 15:1081-1086 and R.S. 36:254 A (3).

The current rule requires that rate appeals be filed within 30 days from receipt of the letter delineating the rate of payment, and that these rate appeals be filed with the rate administrator. There is no requirement for a filing fee. The proposed change would lengthen the number of days within which an appeal can be filed to 60 days, and requires the submission of a \$100 filing fee with the appeal. The filing fee is to be refunded if the appeal is won by the appellant. The proposed change also

requires that rate appeals be sent directly to the Appeals Section. By giving providers of care a longer period of time to review rates and by requiring a filing fee, the department is hoping to eliminate a number of frivolous appeals that are currently being filed.

Interested persons may comment on the proposed regulations in writing before close of business on July 7, 1987 at the following address: Division of Rate Setting, Office of Management and Finance, DHHR, Box 3776, Baton Rouge, LA 70821.

A public hearing on this proposed rule will be held on July 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside Mall, 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.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rate Appeals**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
None is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
\$3000 will be generated by the filing fee.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
\$3000 will be paid by providers of care who unsuccessfully appeal their rate of payment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
None is anticipated.

H. K. Sweeney     David W. Hood  
Deputy Secretary     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 the July 1, 1985, Plan Document to eliminate the provisions that a facility be accredited by the Joint Commission for the Accreditation of Hospitals as follows:

Delete the following under Article 1, Section I (R) (1) after the "":

"and is accredited by the Joint Commission for Accreditation of Hospitals"

Delete the following under Article 3, Section I (I), second paragraph after the word "facility":

"licensed by the Joint Commission on the Accreditation of Hospitals but"

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 July 9, 1987, at the following address: Dr. 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: Delete JCAH Approval**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
State or local governmental units will not realize any savings nor will they experience any additional costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The revenue collections of state or local governmental units will not be affected by this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The directly affected persons, the plan members and their dependents, will not experience additional costs or savings as a result of this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition or employment will not be affected.

James D. McElveen  
Executive Director

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 adopt the Plan Document.

A copy of the Plan Document including Comprehensive Medical Benefits can be viewed at the offices of the State Employees Group Benefits Program.

Interested persons can comment on the proposed changes by writing to the Board of Trustees, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Plan Document**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Cost of printing 130,000 copies of this document will be approximately \$70,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue collection of the state or local governmental units will not be effected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Plan members of the State Employees Group Benefits Program and their member agencies will not be effected by the printing of the plan of benefits documents.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Competition and employment will not be effected.

James D. McElveen  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Office of Coastal and Marine Resources**

The secretary of the Department of Wildlife and Fisheries does hereby give notice, in accordance with the Administrative Procedure Act, that he intends to promulgate a rule to establish the minimum legal length of Cobia (*Rachycentron canadum*) in Louisiana waters, said rule to be designated as LAC 76:VII.321 and to read as follows:

**Title 76  
Wildlife and Fisheries  
Part VII. - Fish and Other Aquatic Life  
Chapter 3. Saltwater Sport and Commercial Fishing  
§321. Size Limits Set by Commission**

The minimum legal size for Cobia (*Rachycentron canadum*) shall be established at 33" fork length in Louisiana waters.

Interested persons may submit written or verbal comments or inquiries to J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895, (504) 925-3625 between the hours of 8 a.m. and 4:30 p.m. until July 2, 1987.

J. Burton Angelle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adopt minimum length for Cobia**

- 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)

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 and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Mary Mitchell  
Fiscal Officer

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Office of Coastal and Marine Resources**

The secretary of the Department of Wildlife and Fisheries does hereby give notice, in accordance with the Administrative Procedure Act, that he intends to promulgate a rule to establish the minimum legal length of Spanish mackerel (*Scomberomorus maculatus*) in Louisiana waters, said rule to be designated as LAC 76:VII.323. and to read as follows:

**Title 76**

**Wildlife and Fisheries**

**Part VII. - Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishing  
§323. Size Limits Set by Commission**

The minimum legal size for Spanish mackerel (*Scomberomorus maculatus*) shall be established as 14" total length, or 12" fork length in Louisiana waters.

Interested persons may submit written or verbal comments or inquiries to J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895, (504) 925-3625 between the hours of 8 a.m. and 4:30 p.m. until July 2, 1987.

J. Burton Angelle  
Secretary

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

**Rule Title: Adopt a minimum length for  
Spanish Mackerel**

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)

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 and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Mary Mitchell  
Fiscal Officer

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Pursuant to the authority of Louisiana Revised Statutes, Title 56, Sections 22, 317 and 402, the Louisiana Wildlife and Fisheries Commission and the Louisiana Department of Wildlife and Fisheries hereby advertise their intent to establish and permit a special recurring commercial fishing season, allowing the use of certain nets and slat traps, in Lake Bruin, Tensas Parish, Louisiana. The season will commence each year at sunrise on November 1 and close at sunset on the last day of February the following year.

Commercial fishing with certain nets and slat traps will be allowed on Lake Bruin only during the above described special season and only by licensed commercial fishermen who must also obtain a Lake Bruin commercial fishing permit from the Louisiana Department of Wildlife and Fisheries. The permit will be issued at no cost on a seasonal basis and must be renewed for each season. The permittee must also file a report to the Department of Wildlife and Fisheries of his catch within 15 days of the close of that season. The use of nets in Lake Bruin will be limited to gill and trammel nets greater than or having at least a minimum mesh of 3 1/2" bar and 7" stretched.

Commercial fishing will be allowed only during daylight hours except that gear can remain set overnight but fish captured may be removed during daylight hours only.

Failure to comply with the terms of the special permit or of any Louisiana commercial fishing regulations shall result in immediate cancellation of the permit and denial of a permit for the next year's special season.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., July 14, 1987, to the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA, 70895.

J. Burton Angelle  
Secretary

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

**Rule Title: Commercial Fishing Season, Lake Bruin**

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

Department enforcement agents already employed in Tensas Parish will enforce this rule as part of their routine duties, as they have already done during the past experimental seasons; therefore there will be no implementation costs.

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

WLF issues these permits free of charge, therefore there will be no revenues generated to the state. Based upon a local sales tax rate of 3 percent on food sales, the retail sale of this catch would generate approximately \$3,500 in sales tax revenue to local governments in 1987-88.

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

During the 1986-87 experimental season 25 permitted commercial fishermen took 116,000 lb. of buffalo, 2,000 lb. of gar, and 1,000 lb. of catfish from Lake Bruin. A similar take is estimated for the 1987-88 season. Based on current wholesale and retail prices the fish market value is \$18,300 to the commercial fishermen and approximately \$100,000 to the retail dealers and processors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will increase employment opportunities for commercial fishermen in the Lake Bruin area.

J. Burton Angelle  
Secretary

David W. Hood  
Legislative Fiscal Analyst

# Potpourri

## POTPOURRI

### Department of Health and Human Resources Office of Preventive and Public Health Services

The Office of Preventive and Public Health Services has added HOOT Models 500, 1000, and 1500 Mechanical Wastewater Treatment Plants, as manufactured by Murphy Cormier General Contractor, Inc., Route 14, Box 1935, Lake Charles, LA 70605, to the OPPHS-maintained listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes—Acceptable Units." This amendment to the listing, which became effective on May 20, 1987 by virtue of administrative decision rendered by the state health officer, is in accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and the applicable provisions of Chapter XIII of the State Sanitary Code. A notice of intent and associated rule will be subsequently promulgated with regard to this matter, at earliest opportunity.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## 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 as published in the *Louisiana Register* on August 20, 1980, notice is given that 12 claims amounting to \$33,649.96 were received during the month of May, 1987. No claims were paid during the month of May.

The following claims are the subjects of public hearings to be held at the locations indicated:

Thursday, July 9, 1987, at 3 p.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:  
CLAIM NO. 86-3879

Jerry J. Latapie, Sr., of 2016 Evans St. Braithwaite, LA 70040, while trawling on the vessel, "DADDY'S BOYS," in Breton Sound about one mile south of opening of channel, at approximate LORAN-C readings of 29,010.0 and 46,941.4, St. Bernard Parish, encountered an unidentified submerged obstruction on October 23, 1986 causing damage and/or loss. Amount of Claim: \$975.

CLAIM NO. 86-3976

Bernard E. Burst, III, of 1329 Gardenia Dr., Metairie, LA 70005, while trawling on the vessel, "CAPT. CHRIS," in Lake Pontchartrain, one mile northwest of the four mile hump, Jefferson Parish, encountered an unidentified submerged obstruction on December 4, 1986 causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3979

Maurice Bertoniere, of 1320 Focis, Metairie, LA 70005, while trawling on the vessel, "RE-MI," in Lake Pontchartrain, at approximate LORAN-C readings of 28,610.0 and 47,038.0, Jefferson Parish, encountered an unidentified submerged obstruction on February 21, 1987 causing damage and/or loss. Amount of Claim: \$3,960.

CLAIM NO. 87-4029

Reginald J. Oubre, of Route 6, Box 304-B, New Orleans, LA 70129, while trawling on the vessel, "LA 3924 AN," in Rigoles Hole by the mouth of Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on December 28, 1986 causing damage and/or loss. Amount of Claim: \$1,361.

CLAIM NO. 87-4035

Lonnie L. Assavedo, of Route 2, Box 543-A, St. Bernard, LA 70085, while trawling on the vessel, "MITZI LYNNE," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on December 8, 1986 causing damage and/or loss. Amount of Claim: \$1,221.23

CLAIM NO. 87-4048

Charles Lapeyrouse, of 2212 Pecan Avenue, St. Bernard, LA 70085, while fishing for oysters on the vessel, "MR. DUBBY," in Black Bay, about 1/2 mile south of Snake Island, Plaquemines Parish, encountered a submerged pipe on January 13, 1987 causing damage and/or loss. Amount of Claim: \$4,134.27

CLAIM NO. 87-4063

Leslie Fitch, of 1445 Chickasaw Avenue, New Orleans, LA 70005, while trawling on the vessel, "LA 9917 BL," in Lake Pontchartrain, Jefferson Parish, encountered an unidentified submerged obstruction on November 30, 1986 causing damage and/or loss. Amount of Claim: \$1,440.81

CLAIM NO. 87-4064

Mitch Chevalier, of 1530 Carrollton, Apt. 34, Metairie, LA 70005, while trawling on the vessel, "LA 1609 AY," in Lake Pontchartrain, one mile west of the four mile hump on the causeway, Jefferson Parish, encountered an unidentified submerged obstruction on November 19, 1986 causing damage and/or loss. Amount of Claim: \$503.99

CLAIM NO. 87-4069

Nicholas Gonzales, of 2008 Fable Drive, Meraux, LA 70075, while trawling on the vessel, "BLUE PERSUASION," in Straight out Rock Canal, at approximate LORAN-C readings of 28,755.3 and 46,851.6, Plaquemines Parish, encountered an unidentified submerged obstruction on February 16, 1987 causing damage and/or loss. Amount of Claim: \$1,565.64

CLAIM NO. 87-4075

Fred M. Estave, of Box 552, St. Bernard, LA, 70085, while trawling on the vessel, "PAPA FRED," in the Ship Channel, about 1- 1/2 miles southwest of Bayou Lutrie, St. Bernard Parish, encountered an unidentified submerged obstruction on December 20, 1986 causing damage and/or loss. Amount of Claim: \$2,725.40

CLAIM NO. 87-4077

Ricky J. Estaves, of Route 1, Box 899-B, St. Bernard, LA 70085, while fishing for crabs northeast off of Dallas Bayou in Black Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on February 18, 1987 causing damage and/or loss. Amount of Claim: \$599.93

CLAIM NO. 87-4078

Louis M. Matherne, of Box 435-A, Barataria, LA 70036, while trawling on the vessel, "LA 9025 AY," in the Gulf of Mexico, Plaquemines Parish, encountered an unidentified submerged obstruction on December 18, 1986 causing damage and/or loss. Amount of Claim: \$1,060.50

CLAIM NO. 87-4079

Lloyd A. Melerine, of Route 1, Box 834, St. Bernard, LA 70085, while fishing for crabs on the vessel, "LA 8902 BC," in Black Bay, Snake Island, Plaquemines Parish, encountered an unidentified submerged obstruction on February 20, 1987 causing damage and/or loss. Amount of Claim: \$1,685.49

CLAIM NO. 87-4095

Victor J. Acosta, Sr., of Route 6, Box 234-C, New Orleans LA 70129, while dredging for oysters, on the vessel, "MISS EVELYN," in Black Bay, Plaquemines Parish, encountered a submerged pipe on March 28, 1987 causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3965

Ms. Larry VanHoose, of Box 369, Tickfaw, LA 70466, while trawling on the vessel, "FISH HAWK," in Lake Pontchartrain, about two miles west of Madisonville, Orleans Parish, encountered an unidentified submerged obstruction on October 1, 1986 causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 87-4054

James B. Burton, of 3109 Ivy Place Chalmette, LA 70043, while trawling on the vessel, "MISS GWEN," in the Gulf of Mexico, Jefferson Parish, encountered an unidentified submerged obstruction on December 20, 1986 causing damage and/or loss. Amount of Claim: \$2,625.60

CLAIM NO. 87-4055

James B. Burton, of 3109 Ivy Place, Chalmette, LA 70043, while trawling on the vessel, "JACE CHAD," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on January 12, 1987 causing damage and/or loss. Amount of Claim: \$2,257.

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box

94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter  
Secretary

**POTPOURRI**

**Department of the Treasury  
State Employees' Retirement System**

The Board of Trustees of the Louisiana State Employees Retirement System has changed its regular monthly meeting date from the third Wednesday of each month to the fourth Wednesday of each month, effective with the April, 1987 meeting of the Board of Trustees.

Vernon L. Strickland  
Director

**POTPOURRI**

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

Notice is hereby given that the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission at its regular monthly meeting on June 5, 1987, adopted open season dates, bag limits, rules and regulations for hunting residents game quadrupeds and birds during the period October 1, 1987, to April 30, 1988.

- QUAIL: Nov. 26 - Feb. 28. Daily bag limit 10, possession 20.
- RABBIT: Oct. 3 - Feb. 28. Daily bag limit 8, possession 16.
- SQUIRREL: Oct. 3 - Jan. 17. Daily bag limit 8, possession 16.
- BEAR: Nov. 7 - 15. One per season. (Restricted to small area of Atchafalaya Basin. CLOSED ON SHERBURNE WMA.)
- DEER: One per day, 6 per season.

AREA 1, 53 DAYS  
9 days still hunting only: Nov. 21 - 29.  
44 days with or without dogs: Dec. 5 - Jan. 17.

AREA 2, 48 DAYS  
23 days still hunting only: Nov. 7 - 29.  
9 days with or without dogs: Dec. 5 - 13.  
16 days with or without dogs: Dec. 19 - Jan. 3.

AREA 3, 48 DAYS  
23 days still hunting only: Nov. 7 - 29.  
9 days with or without dogs: Dec. 5 - 13.  
16 days with or without dogs: Dec. 19 - Jan. 3.

AREA 4, 48 DAYS  
23 days still hunting only: Nov. 7 - 29.  
9 days still hunting only: Dec. 5 - 13.  
16 days still hunting only: Dec. 19 - Jan. 3.

AREA 5, 41 DAYS

9 days still hunting only: Nov. 21 - 29.

9 days still hunting only: Dec. 5 - 13.

23 days still hunting only: Dec. 19 - Jan. 10.

ARCHERY SEASON: October 1 - Jan. 20.

TURKEY: One per day, 3 per season.

AREA A, 30 days: March 26 - April 24.

AREA B, 30 days: March 26 - April 24.

AREA C, 37 days: March 19 - April 24.

AREA D, 37 days: March 12 - April 17.

AREA E, 29 days: April 2 - 30.

AREA F, 37 days: March 12 - April 17.

AREA G, 30 days: March 26 - April 24.

AREA H, 30 days: March 26 - April 24.

AREA I, 8 days: April 23 - April 30.

Wildlife Management Area Changes:

1. Vehicles - Tractor or implement tires with farm tread designs R1, R2, and R4, known commonly as spade or lug grip types are prohibited on all vehicles.

2. Raccoon Hunting - Raccoon bag limit - one per person per night for raccoon hunters during "take season" with dogs on WMA's EXCEPT no limit on Ouachita (Experimental).

3. Spotlighting for Wildlife - Spotlighting (shining) from vehicles is prohibited on all WMA's.

For those interested a more detailed copy of the rules and regulations are available upon request to: Hugh A. Bateman, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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