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Executive Orders

EXECUTIVE ORDER JBE 23-11

Bond Allocation 2023 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of bonds subject to such ceiling, and
- (d) a system of record keeping for such allocations; and

WHEREAS, the Louisiana Housing Corporation has authorized and approved \$85,000,000 of Single Family Mortgage Revenue Bonds (Homeownership Program) Series 2023 (“Series 2023CD Bonds”), including \$65,000,000 of tax-exempt Series 2023C Bonds and has applied for an allocation of \$65,000,000 volume cap from the 2023 ceiling to be used along with the Series 2023 Carryforward for the premium on its tax-exempt Series 2023C Bonds.

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2023 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$65,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2023C (Non-AMT)

SECTION 2: The allocation granted herein shall be used only for the bond issues described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect until September 30, 2023; any unused amount of this 2023 ceiling allocation shall be deemed returned as of September 30, 2023.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified,

terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 22nd day of August, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2309#057

EXECUTIVE ORDER JBE 23-12

Flags at Half-Staff
Representative Dr. Charles R. McDonald, Jr.

WHEREAS, Dr. Charles Richard McDonald, Jr., a former distinguished member of the House of Representatives of the Louisiana Legislature and a member of the Louisiana Board of Regents, died on Saturday, August 26, 2023, at the age of 84;

WHEREAS, he was preceded in death by his parents, Charles Richard McDonald, Sr., and Leuna Poda McDonald; stepfather, Leon Dyer; wife, Patsy Crain McDonald; and brother, Donnie McDonald; he is survived by his beloved wife Jo Hale McDonald; son, Richard Scott McDonald; two stepchildren, Teri Hale Weber and Trish Hale Botoff; and two grandchildren, Tucker Richard McDonald and McKenzie McDonald-Christensen; step-grandchildren, Scott and Haley Weber; his great-granddaughter, Nora Weber; and his nephew, Donovan McDonald;

WHEREAS, born in 1939 in Jackson Parish, he spent most of his childhood in Holly Ridge, Louisiana, graduating from Holly Ridge High School in 1957; he then attended Northeast Louisiana State College (now ULM), graduating in 1961;

WHEREAS, after graduating from college, he received a commission as a 2nd Lieutenant in the United States Army, and he served his nation honorably overseas before returning to Louisiana in 1965;

WHEREAS, after his return stateside, he began a long and storied career in education, business, and public service, first as a teacher and coach at Oak Grove High School, then serving at several schools in Bastrop; during this time, he continued his education by earning his Master’s and Doctoral degrees in Education Administration at ULM, where he served for two decades in both teaching and administrative roles;

WHEREAS, in April of 1991, the voters of northeastern Louisiana elected him to the Louisiana House of Representatives, and he served his constituents in that position for sixteen years, reelected without opposition in three straight elections;

WHEREAS, as a member of the House of Representatives, Dr. McDonald was a tireless champion for post-secondary education; often regarded as the “Father of TOPS,” he served as Chairman of the House Education

Committee and played a pivotal role as the lead author of the historic legislation which expanded the Taylor Opportunity Program for Scholars (TOPS), the most significant program of its kind in Louisiana history, which has enabled hundreds of thousands of Louisiana students to attain a higher education;

WHEREAS, following his service in the Legislature, Dr. McDonald continued his leadership in his community in several capacities in the private sector, notably including a business partnership that has provided hundreds of all-terrain wheelchairs to customers, many of whom are military veterans;

WHEREAS, in 2017, Governor John Bel Edwards appointed Dr. McDonald to the Louisiana Board of Regents, serving all colleges and universities in the State, in which position he shared his wisdom and expertise for the benefit of students in post-secondary education throughout Louisiana;

WHEREAS, in recognition of his lifelong commitment to education and public service, particularly to the ULM community, Dr. McDonald received numerous awards and accolades, including the ULM Golden Arrow Award; and

WHEREAS, Dr. Charles Richard McDonald, Jr., lived a life of tremendous faith, integrity, and honor, and his service as an educator, lawmaker, public servant, and community leader to the State of Louisiana will long be remembered.

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

SECTION 1: As an expression of respect and to honor Dr. Charles Richard McDonald, Jr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Wednesday, August 30, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, August 30, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28th day of August, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2309#058

EXECUTIVE ORDER JBE 23-13

Flags at Half-Staff—Senator Fritz H. Windhorst

WHEREAS, Fritz Windhorst, a former distinguished member of the Senate of the Louisiana Legislature and a Commissioner of the United States District Court, Eastern District of Louisiana, died on Sunday, August 27, 2023, at the age of 88;

WHEREAS, he was preceded in death by his parents, Jennie Motto Windhorst and Richard Edward Windhorst, Sr and his sister, Angela Windhorst Tripkovich; he is survived by his beloved wife of thirty-six years, Barbara Turner

Windhorst; daughters, Judith Windhorst Cahill and Stephanie Hildebrandt; and son, Judge Stephen Windhorst; grandchildren, Harry Lloyd Cahill, IV, Anna Marie Cahill, Luke John Cahill, Claire Hildebrandt Robustelli, and Chase Edward Hildebrandt; and great-grandchildren Harry Lloyd Cahill, V, and Rex Patrick Cahill; his brother Richard E Windhorst, Jr.; as well as numerous other family members and countless friends and admirers;

WHEREAS, born in 1935 in New Orleans, he graduated from Redemptorist High School and received his legal education from the Loyola University New Orleans College of Law;

WHEREAS, in 1962, Windhorst was appointed the youngest-ever United States Commissioner, serving the United States District Court for the Eastern District of Louisiana; in that position, he became nationally prominent as the chairman of the National Association of United States Commissioners and helped to craft the legislation that created the U.S. Magistrate system which replaced the role of commissioners in the United States' federal court system;

WHEREAS, in 1972, the voters of the Westbank of New Orleans elected Windhorst to serve as their Senator in the Louisiana Legislature, and he served the voters of the Parishes of Orleans and Jefferson in the State Senate for five consecutive terms, until 1992; during his tenure in the Senate, he served as floor leader for three different Governors; and he was a staunch champion of his district's interests, notably expanding infrastructure access by authoring legislation which led to the building of the Crescent City Connection bridge in New Orleans;

WHEREAS, Senator Windhorst also helped to preserve the natural heritage of Louisiana, authoring bills which created the Louisiana Department of Environmental Quality and the Jean Lafitte National Historical Park and Preserve; and

WHEREAS, Fritz H. Windhorst lived a life of faith, integrity, and honor, and his service as a public servant and community leader to the State of Louisiana will long be remembered.

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

SECTION 1: As an expression of respect and to honor Fritz H. Windhorst, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Saturday, September 2, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, September 2, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of September, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2309#059

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Associate Teacher Program
(LAC 28: CXV.525)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions provide for the associate teacher program in accordance with Act 99 of the 2023 Regular Legislative Session. Individuals who are at least 25 years of age, possess an associate degree, and are enrolled in an undergraduate teacher preparation program may receive a permit from a local governing authority to serve as a classroom teacher in that system. The employer must conduct a criminal history background check prior to employment.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§525. Associate Teacher Program

A. An associate teacher is an employee authorized by the local governing authority (LEA) of a public elementary or secondary school to serve as a teacher of record. Such teacher must:

1. be at least 25 years old;
2. hold an associate's degree awarded by a college or university accredited in accordance with 34 CFR 602, et seq.;
3. be continuously enrolled in an undergraduate educator preparation program at a college or university accredited in accordance with 34 CFR 602, et seq., for the purpose of obtaining a bachelor's degree; and
4. meet any other qualifications established by the LEA.

B. The LEA shall conduct a criminal history background check in accordance with R.S. 17:15 and R.S. 15:587.1 prior to employment.

C. An individual shall not serve as a teacher of record under an associate teacher permit for more than five years.

D. An associate teacher shall be employed to teach only in the content area related to the associate's degree.

E. An associate teacher shall not teach in a class for students with identified exceptionalities, unless the students are identified as gifted or talented.

F. The LEA should assign a mentor teacher to an associate teacher for the purposes of providing on-site teacher training, demonstrating lessons, co-teaching, observation, and providing feedback for improving instruction.

G. Associate teachers shall participate in weekly teacher collaborations.

H. For an associate teacher enrolled in a BESE-approved teacher preparation program, hours spent teaching by an associate teacher shall count toward the student teaching hours required in accordance with R.S. 17:8.1 and LAC 28: XLV.743. (Bulletin 996).

I. No more than ten percent of the teaching staff of the school system shall be associate teachers.

J. Associate teachers shall be annually evaluated.

K. Documentation of the local permit must be maintained by the LEA and the associate teacher. The LEA must document compliance with the provisions of this Section.

L. LEAs shall provide information regarding the effectiveness of the associate teacher program, as requested, to the LDOE.

M. The salary paid to an associate teacher shall not exceed seventy-five percent of the average yearly classroom teacher salary of the employing school system.

N. The provisions of this Section shall terminate on December 31, 2033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Dr. Holly Boffy
President

2309#003

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Teacher Certification and Preparation Programs
(LAC 28: XLV.743, 745 and CXXXI.103, 303,
Chapter 5, Chapter 13, 1701, and 1909)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28: CXXXI *Bulletin 746—Louisiana Standards for State Certification of School Personnel* and LAC 28: XLV *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The proposed revisions align certification policy with legislation enacted by the 2023 Regular Legislative Session. Acts 63, 371, and 392 require updates that include educator evaluations, military and out-of-state reciprocity, Teacher Certification Appeals Council appointing authority, literacy courses and training, and grade point average for certification and for entry to teacher preparation programs. Further revisions update required examination titles and identification numbers. This Declaration of Emergency, effective August 23, 2023, is for a period of 180 days from adoption, or until finally adopted as Rule.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of
Teacher and/or Educational Leader Preparation
Programs**

**Chapter 7. Louisiana State Standards for Educator
Preparation Programs**

Subchapter C. Teacher Preparation Programs

**§743. Minimum Requirements for Traditional Teacher
Preparation Programs**

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. Beginning with the 2024-2025 school year, an approved teacher education program shall be no more than 120 credit hours unless designated by the Board of Regents as dual degrees or dual certifications. Beginning September 1, 2024, a portion of the total required credit or contact hours must include the minimum number of hours in the teaching of reading and literacy as follows:

1. for certification in Birth-K, PK-3 and 1-5—9 credit hours;
 - a. The instruction must:
 - i. - iii. ...
2. for certification in middle grades 4-8—6 credit hours;
3. for certification in secondary 6-12 or all-level K-12—3 credit hours; and
4. for special education areas (early interventionist, hearing impaired, significant disabilities, visually impaired, or mild/moderate special education 1-5, 4-8, or 6-12)—9 credit hours.
5. - 5.c. ...

6. Beginning January 1, 2024, an applicant for initial certification in kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with LAC 28:CXXXI.303. (*Bulletin 746*). Candidates already enrolled in the year-long residency and holding the R credential prior to January 1, 2025, are not subject to this provision.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), amended LR 49:

**§745. Minimum Requirements for Alternate Teacher
Preparation Programs**

A. - A.3. ...

B. Beginning September 1, 2024, a portion of the total required credit or contact hours for all alternate teacher preparation programs must include the minimum number of hours in the teaching of reading and literacy as follows:

1. for certification in PK-3 and 1-5—9 credit hours or 135 contact hours;

- a. The instruction must:
 - i. - iii. ...
2. for certification in middle grades 4-8—6 credit hours or 90 contact hours;
3. for certification in secondary 6-12 or all-level K-12—3 credit hours or 45 contact hours; and
4. for special education areas (early interventionist, hearing impaired, significant disabilities, visually impaired, or mild/moderate special education 1-5, 4-8, or 6-12)—9 credit hours or 135 contact hours.
5. - 5.c. ...

6. Beginning January 1, 2024, an applicant for initial certification in kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with LAC 28:CXXXI.303. (*Bulletin 746*). Candidates already enrolled in the year-long residency and holding the R credential prior to January 1, 2025, are not subject to this provision.

C. - F.3. ...

4. Beginning June 14, 2023, an applicant who has not attained a 2.20 GPA may be issued certification if the following requirements are met in an alternate teacher preparation program:

a. If the program awards credit hours, the applicant shall achieve a minimum GPA of 3.00 on a 4.00 point scale in the alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program with a minimum of a 2.5 GPA.

b. If the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program and by the school system in which the applicant completes required clinical practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), amended LR 49:

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

Chapter 1. Introduction

§103. General Provisions

A. Effectiveness for Teachers. Beginning September 1, 2023, for renewal or advancement of teaching certification as required in individual sections of this Part and the standards of effectiveness in accordance with LAC 28:CXLVII (*Bulletin 130*), effectiveness may be met for the specified number of years in the following manner:

1. A teacher serving in a nonpublic school setting must earn the specified number of effective ratings per local personnel evaluations.

2. A teacher serving in a public school setting is required to meet the standards of effectiveness in accordance with LAC 28:CXLVII (*Bulletin 130*) Chapter 3.

3. A teacher providing instruction in a public school setting, not employed by but contracted to the public school with a BESE-approved company, must earn effective ratings per employer personnel evaluations.

4. Educators serving in multiple settings may be credited with evaluations appropriate to the employment setting for each year.

5. Any out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B. Effectiveness for Leaders. Beginning September 1, 2023, for renewal or advancement of leadership certification as required in individual sections of this Part and the standards of effectiveness in accordance with LAC 28:CXLVII (*Bulletin 130*), effectiveness may be met for the specified number of years in the following manner:

1. Individuals employed in a leadership capacity at the school level in the public school setting must meet the

standards of effectiveness in accordance with LAC 28:CXLVII (*Bulletin 130*) Chapter 3.

2. Individuals employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations.

3. Individuals employed in a leadership capacity in a nonpublic setting must earn effective ratings per local personnel evaluations.

4. Any out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

5. Educational leaders serving in multiple settings may be credited with evaluations appropriate to the setting for each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), 17:10, 17:8.3 and 8.4, and 17:3902

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Chapter 3. Initial Teacher Certification
Subchapter B. Testing Required for Certification
§303. Certification Exams and Scores

A. - C.1. ...

2. All-Level K-12 Certification

All-Level K-12 Certification Areas							
Subject Area	Praxis Test	Score	PLT K-6		PLT 5-9	or	PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160	or	160	or	157
Grades K-12 Dance or Theater	None Available. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam.	---	160		160	or	157

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15: Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Effective 1/1/12: -12/31/13 Special Education: Core Knowledge and Applications (0354 or 5354)	145
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	AND Principles of Learning and Teaching: Early Childhood (0621 or 5621)	157
	OR Elementary Education: Multiple Subjects (5001)		Effective 1/1/14-8/31/2023: Special Education: Early Childhood (0691 or 5691)	159
	● Reading/Language Arts (5002)	157	AND	157
	● Mathematics (5003)	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	● Social Studies (5004)	155		
	● Science (5005)	159		
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)		Effective 9/1/2022: Special Education: Early Childhood/Early Intervention (5692)	159
● Reading/Language Arts (5002)	157	AND	157	
● Mathematics (5003)	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)		
● Social Studies (5004)	155			
● Science (5005)	159			

Deaf and Hard of Hearing	Prior to 9/1/15: Elementary Content Knowledge (0014 or 5014)	150	Effective 11/1/11 – 12/31/13 Special Education: Core Knowledge and Applications (0354 or 5354)	145
	Effective 9/1/15 to 8/31/17: Elementary Education: Content Knowledge (5018)	163	AND Education of Deaf and Hard of Hearing Students (0271)	160
	OR Elementary Education: Multiple Subjects (5001)	157	Effective 1/1/14 – 8/31/24 Special Education: Core Knowledge and Applications (0354 or 5354)	145
	• Reading/Language Arts(5002)	157	AND	160
	• Mathematics (5003)	155	Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	145
• Social Studies (5004)	159	AND	160	
• Science (5005)	159	Special Education: Foundational Knowledge (5355)	145	
Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)	157	AND	160	
• Reading/Language Arts(5002)	157	Special Education : Education of Deaf and Hard of Hearing Students (0272 or 5272)	160	
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mild to Moderate Disabilities	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 such as elementary, or core subject-specific exams for middle or secondary grades.		Effective 9/1/11-8/31/24 Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543)	153
			AND PLT specific to grade level (K-6, 5-9, or 7-12)	
			Effective 9/1/23 Special Education: Foundational Knowledge (5355)	145
			AND PLT specific to grade level (K-6, 5-9, or 7-12)	
Significant Disabilities	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Effective 9/1/11 – 8/31/24 Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545)	153
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	Effective 9/1/23 Special Education: Severe to Profound (5547)	156
	OR Elementary Education: Multiple Subjects (5001)	157		
	• Reading/Language Arts(5002)	157		
	• Mathematics (5003)	155		
• Social Studies (5004)	159			
• Science (5005)	159			
Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)	157			
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	155			
• Social Studies (5004)	159			
• Science (5005)	159			
Visual Impairments/ Blind	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Effective 11/1/11 – 12/31/13 Special Education: Core Content Knowledge and Applications (0354 or 5354)	145
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163	Effective 1/1/14 – 8/31/24: Special Education: Core Content Knowledge and Applications (0354 or 5354)	145
	OR Elementary Education: Multiple Subjects (5001)	157	AND	163
	• Reading/Language Arts(5002)	157	Special Education: Teaching Students with Visual Impairments (0282 or 5282)	145
	• Mathematics (5003)	155	AND	163
• Social Studies (5004)	159	Special Education: Foundational Knowledge (5355)	145	
• Science (5005)	159	AND	163	
Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)	157	Special Education: Teaching Students with Visual Impairments (0282 or 5282)	163	
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	155			
• Social Studies (5004)	159			
• Science (5005)	159			

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Educational Leader— Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective 9/1/09-7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	“Demonstrated” (for at least 9 assessments within the series) Effective April 1, 2020

Educational Leader— Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 Effective 9/1/19
School Counselor K-12	Effective 7/1/15-8/31/23 Professional School Counselor (0421 or 5421)	156
	Effective 9/1/22 School Counselor (5422)	159
School Librarian	Effective 9/1/12-8/31/23 Library Media Specialist (0311 or 5311)	136
	Effective 9/1/22 School Librarian (5312)	154

F. Reading Exams

Name of Test	Area Test Score
Teaching Reading Exam (0204 or 5204) Effective 9/1/2011 – 7/31/2020	157
Teaching Reading: K-12 Exam (0206 or 5206) Effective 9/1/2019	156
Teaching Reading: Elementary Exam (5205) Effective 1/1/2023	159

F.1. - G. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:8.1-8.5, and R.S. 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), amended LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), LR 49:

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B.4. ...

5. Grade Point Average Requirements:

a. minimum 2.20 undergraduate grade point average (GPA) on a 4.00 scale for entry into a teacher preparation program;

b. if an applicant does not meet the GPA requirement, certification may be issued if the following requirements are met:

i. if the program awards credit hours, the applicant shall achieve a minimum GPA of 3.00 on a 4.00 scale in the alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program.

ii. if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

c. minimum 2.50 GPA on a 4.00 scale upon completion of teacher preparation program, or if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice;

d. satisfactorily complete all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation or program completion;

e. an applicant who does not have the required program GPA shall demonstrate mastery of competencies as required by the program and by the school system in which the applicant completes required clinical practice and may be issued a TEP.

6. - 8.e. ...

f. Repealed.

9. Beginning September 1, 2024, completers must earn the required number of semester hours or contact hour equivalent in the teaching of reading and literacy in

alignment with the science of reading competencies for certification.

a. Birth-K, PK-3, Grades 1-5: 9 semester hours.

b. Middle Grades 4-6: 6 semester hours.

c. Secondary 6-12 content areas, all-level K-12 areas: 3 semester hours.

d. General and Special Education Integrated to Merged (Grades 1-5, 4-8, or 6-12), Early Interventionist, Hearing Impaired, Significant Disabilities, and Visually Impaired: 9 semester hours.

10. Beginning January 1, 2024, an applicant for initial certification in kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part. Candidates already enrolled in the year-long residency and holding either the PL or R credential prior to January 1, 2025, are not subject to this provision.

11. Beginning September 1, 2028, literacy requirements include a minimum of three credit hours or contact hour equivalent regarding teaching students with dyslexia.

C. Out-of-state (OS) Graduate Eligibility. Level 1 professional certificate requires a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. Credentials awarded from an institution outside of the United States and not accredited by one of the U.S. accrediting agencies may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate or graduate degree in the field of education; and

1. - 2. ...

3. complete student teaching, internship, residency, or year(s) of successful teaching experience as required by teacher preparation program provider or SEA; and

4. ...

5. An applicant who has not taught successfully for at least one year in the five years prior to date of application may be issued a one-year non-renewable OS1 certificate during which time the holder must earn an effective rating in accordance with §103 of this Part for issuance of a three-year non-renewable OS certificate.

6. ...

7. Three years of successful teaching experience in another state, prior to first employment in or licensure application in Louisiana, as verified by the employing authority or SEA, fulfills exam requirements.

8. ...

9. Active military or military spouse applicants holding a standard professional certificate in another state, serving in Louisiana on a five-year OS must earn effective ratings in accordance with §103 of this Part for at least three years during the five-year OS period to advance to a higher level professional certificate.

D. Foreign Applicant Eligibility. OS and Level 1 professional certificates require a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. Credentials awarded from

an institution outside of the United States and not accredited by one of the U.S. accrediting agencies may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate or graduate degree in the field of education.

1. - 2. ...

E. Level 2 Professional Certificate eligibility requirements:

1. ...

2. earn effective ratings for three years in accordance with §103 of this Part; and

3. accrue three years of teaching experience in an approved educational setting.

E.4. - F.2. ...

3. have five years of teaching experience in an approved educational setting with any out-of-state experience verified as successful by the out-of-state employing authority or SEA.

4. If the level 3 certificate is the initial certificate, a state-approved teacher preparation program provider must submit the request.

F.5. - G.1. ...

2. Level 2 and level 3 certificates are valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority, contingent upon candidates being found effective in accordance with §103 of this Part.

H. Temporary Employment Permit (TEP) Applicant Eligibility. Level 1 professional certificates require a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602. The Louisiana employing authority must submit the application recommending certification to the LDOE including a signed affidavit verifying there is no other available applicant meeting certification requirements for the specific teaching position.

1. Candidates serving on a TEP must successfully meet the standards of effectiveness by earning highly effective or effective proficient for five years in accordance with LAC 28:CXLVII (*Bulletin 130*) while serving on the TEP.

a. - b. Repealed.

2. Upon successful passage of required examinations, a candidate serving on a TEP Option 1 is eligible for a Level 1 teaching certification.

a. - c. Repealed.

3. The candidate must participate in a school-based mentor program for at least three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 49:

§509. Type C Certificates

A. - D.1.a. ...

b. have three years of successful evaluations;

D.1.c. - E.1. ...

2. A lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level attained prior to the five-year period of disuse. During the reactivated period the holder must earn effective ratings for at least three years during the five-year reactivation period. Upon earning three effective evaluations, the lifetime validity of the certificate will be reinstated. The request for reinstatement must be submitted directly to the LDOE by the Louisiana employing authority.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:10, and R.S. 17:8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 33:2356 (November 2007), LR 35:2753 (December 2009), LR 36:2000 (September 2010), LR 38:3137 (December 2012), LR 40:1331 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020), LR 48:431 (March 2022), repromulgated LR 48:1035 (April 2022), amended LR 49:

§511. Out-of-State (OS) Certificate

A. - B.3. ...

4. complete student teaching or internship in a certification area, or in lieu of student teaching or internship have the years of successful teaching experience as required by the teacher preparation program provider or SEA;

5. a candidate who has not taught successfully for at least one year in the five years prior to the date of application may be issued a one-year non-renewable (OS1) certificate during which time the holder must be found effective in accordance with §103 of this Part for the issuance of a three-year non-renewable (OS) certificate; and

6. beginning January 1, 2017, the LDOE will issue a letter of eligibility for an OS certificate to requesting teachers who are not yet employed in Louisiana. Once employed as a teacher of record in an approved Louisiana school system, the OS certificate will be issued at the request of the Louisiana employing authority.

7. Active military or military spouse out-of-state applicants stationed in Louisiana who meet the above criteria will be issued eligibility for a five-year certificate. Notification of eligibility will be issued no later than 20 days from the receipt of a complete application. Once employed in Louisiana, a five-year OS will be issued at the request of the Louisiana employing authority.

C. - C.2. ...

3. Three years of successful teaching experience in another state prior to first employment or licensure application in Louisiana, as verified by the employing authority or SEA fulfills exam requirements. For active military or military spouses, any three years of successful teaching experience in another state, as verified by the employing authority or SEA, may fulfill exam requirements.

4. ...

5. Active military or military spouse applicants serving in Louisiana and holding a standard professional certificate in another state, not meeting exam exclusion, on a

five-year OS must earn effective ratings, in accordance with §103 of this Part, for at least three years during the five-year OS period to advance to a higher level professional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6) and R.S. 17:8.1 – 8.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 35:2754 (December 2009), LR 36:2001 (September 2010), LR 40:1332 (July 2014), LR 48:432 (March 2022), repromulgated LR 48:1036 (April 2022), amended LR 49:39 (January 2023), LR 49:

§515. Practitioner Licenses

A. Issuance and Renewals

1. Practitioner licenses (PL) 1 and 2 may be issued for one year, renewed annually, and held for a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on a PL certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

2. The practitioner license 3 may be issued for one year, renewed annually, and held for a maximum of four years while the holder completes an alternate program. Upon completion of the four years of employment on a PL certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

3. - 4.a. ...

b. 2.20 or higher undergraduate GPA on a 4.00 scale to enter a teacher preparation program or documentation of conditional acceptance into a teacher preparation program; and

c. passing scores on certification content area exam requirements in accordance with §303 of this Part, or if no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program.

d. Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis content area exam, and secondary education candidates (grades 6-12) must pass a Praxis core subject area exam, or if there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 30 semester credit hours in the core subject area.

5. - 6.a. ...

7. - 7.e. Repealed.

8. The teacher must teach in the specific grade level and content area as designated on the practitioner license as outlined in LAC 28:XLV (*Bulletin 996*).

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1 – 8.2. and R.S. 17:6, 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), amended LR 48:2555 (October 2022), LR 49:39 (January 2023), LR 49:

§519. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school. If the teacher enters a public school system in Louisiana, the educator will be required to meet the standards of effectiveness pursuant to state law and in accordance with LAC 28:CXLVII (*Bulletin 130*) for issuance or renewal of a level 2 or level 3 teaching certificate. Beginning September 1, 2023, asterisk certificates will no longer be issued.

B. Level 2* (2-asterisk) Certificate—valid for five years.

1. - 2. Repealed.

C. Level 3* (3-asterisk) Certificate—valid for five years.

1. - 2. Repealed.

3. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must earn effective ratings for at least three years during the five-year initial or renewal period.

b. ...

D. Type B* (B-asterisk) Certificate is valid for life for continuous service, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or certificate is not revoked by BESE.

1. - 2. Repealed.

3. The type B* certificate is valid for life of continuous service in an approved school setting, and if the teacher enters a Louisiana public/charter school the requirement shall be to successfully meet the standards of effectiveness.

E. Type A* (A-asterisk) Certificate is valid for life for continuous service in an approved school setting, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or the certificate is not revoked by BESE.

1. - 2. Repealed.

3. The type A* certificate is valid for life of continuous service in an approved school setting, and if the teacher enters a Louisiana public school the requirement shall be to successfully meet the standards of effectiveness.

F. - F.I. ...

2. A lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level attained prior to the five-year period of disuse. During the reactivated period the holder must earn effective ratings for at least three years during the five-year reactivation period. Upon earning three effective evaluations, the lifetime validity of the certificate will be reinstated. The request for reinstatement must be submitted directly to the LDOE by the Louisiana employing authority.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6) and R.S. 17:8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:435 (March 2022), repromulgated LR 48:1038 (April 2022), amended LR 49:

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A.1. There are five types of nonstandard teaching credentials issued in Louisiana:

- a. - c. ...
- d. nonpublic temporary certificate (T); and
- e. resident teacher certificate (R).
- f. Repealed.

2. ...

B. Repealed.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required. Also required is a letter of assurance from the teacher documenting that the unmet policy requirements will be completed within a specified time period, as determined by the LDOE. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1040 (April 2022), amended LR 48:1749 (July 2022), LR 49:

§527. Temporary Authority to Teach (TAT)

A. - B.2. ...

3. The applicant must have at least a 2.20 undergraduate GPA. An applicant who does not meet the GPA requirement may be certified upon satisfactory completion of a personal interview by the employing school system.

C. - D.1.a. ...

b. evidence the applicant has met the standards of effectiveness in accordance with LAC 28:CXLVII (*Bulletin 130*);

c. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), and R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 49:39 (January 2023), LR 49:

§531. Temporary Employment Permit (TEP)

A. Temporary Employment Permit (TEP) is issued for one year, renewable annually, and may be held a maximum of five years while the holder pursues standard certification via successful years of teaching or satisfaction of state exam requirements. Upon completion of the five years of employment on a TEP, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

1. The Louisiana employing authority must submit to the LDOE:

a. the application recommending certification or requesting renewal; and

b. an affidavit signed by the local superintendent, or designee, attesting that after posting positions for which a TEP is issued, good faith efforts failed to recruit competent and suitable certified personnel.

2. For all teacher candidates serving on the TEP, the candidate must participate in a school-based mentoring program.

B. Eligibility Guidelines 1. Applicant meets all certification requirements with the exception of passing all exam requirements in accordance with §303 of this Part but scores within 10 percent of the score required for passage of exams. The BESE-approved teacher preparation provider must verify that all program requirements are met with the exception of exam(s).

1. - 4. Repealed.

C. Eligibility Guidelines 2. Applicant has not completed a teacher preparation program but holds a graduate degree from a college or university accredited in accordance with 34 CFR 602 in the subject area for which employment is granted. The applicant must complete pre-service training prior to the first day as a teacher of record.

1. - 3. Repealed.

D. Eligibility Guidelines 3. Applicant has not completed a teacher preparation program but holds a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 in the secondary subject area for which employment is granted and has a 2.5 cumulative undergraduate GPA or higher on a 4.00 scale.

1. The applicant must complete pre-service training prior to the first day as a teacher of record.

2. The applicant must pass the adopted content exam in alignment with the degree and the courses hired to teach prior to the first day as a teacher of record.

3. - 6. Repealed.

E. Eligibility Guidelines 4. Applicant has completed a BESE-approved teacher preparation program with a GPA lower than required but the program provider verifies that all other program requirements have been met.

F. Renewal Requirements. A TEP can be renewed up to four times upon verification of the following:

1. For a candidate issued the TEP via completion of a teacher preparation program but lacking passing scores on required exams, required exams are retaken twice within one year from the date the TEP was issued or renewed.

2. Standards of effectiveness are successfully met at the level of highly effective or effective proficient in accordance with LAC 28:CXLVII (*Bulletin 130*) during each year on the TEP.

3. The candidate must participate in a school-based mentoring program during each year of the TEP until the candidate has received three years of successful evaluations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1 – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:438 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 49:40 (January 2023), LR 49:

§535. Resident Teacher Certificate (R)

A. - G. ...

H. Holders of the resident teacher certificate may serve as a substitute teacher in the residency school system. Such service shall not impede residency performance or ability to successfully complete the preparation program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), and R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:438 (March 2022), repromulgated LR 48:1042 (April 2022), amended LR 49:40 (January 2023), LR 49:

§536. Teaching Authorizations

A. A teaching authorization (TA) is a nonstandard credential that only indicates a cleared criminal background check and is neither the equivalent of a teaching certificate nor substantiation of enrollment in or completion of an educator preparation program.

B. Beginning June 14, 2023, TAs will no longer be issued.

C. - F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1749 (July 2022), LR 49:

Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. Endorsement areas are permanent credentials added to a teaching certificate. Upon completion of requirements for an additional area of certification, as outlined in this bulletin, the holder of a valid Louisiana teaching certificate may have the endorsement added. For endorsement purposes, the following apply.

1. A generalized reference to a Praxis exam means the applicable exam(s) in policy, with the established passing score(s) in accordance with §303 of this Part.

2. - 5. ...

6. Non-university private providers of teacher and/or educational leader preparation programs must submit proposals for approval by LDOE and BESE, in accordance with LAC 28:XLV (*Bulletin 996*) Chapter 3.

7. ...

8. General reading and literacy hours may be fulfilled with the indicated semester hours, equivalent contact hours, or passing the adopted Teaching of Reading exam in accordance with §303 of this Part. Successful completion of the BESE-approved literacy foundations training may be accepted for the number of hours approved per program.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1. – 8.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48:1062 (April 2022), amended LR 49:

Subchapter A. Regular Education Level and Area Endorsements

§1305. Requirements to add Birth to Kindergarten

A. Individuals holding a valid early childhood certificate for PK-K, PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must achieve one of the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood; or

2. 12 semester hours of combined early childhood and kindergarten coursework.

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), amended LR 48:2555 (October 2022), LR 49:

§1307. Requirements to add Early Childhood (Grades PK-3)

A. Individuals holding a valid elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8 must achieve the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood; or

2. 12 semester hours of combined early childhood and kindergarten coursework.

3. Individuals must complete nine semester hours in the teaching of reading and literacy in alignment with the literacy foundations competencies or other literacy options as outlined in §1301 of this Chapter.

4. Repealed.

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary school certificate for grade levels 6-12, 7-12, or 9-12, special education certificate other than early interventionist, or an all-level K-12 certificate in the areas of art, dance, foreign language, health, physical education, health and physical education, theater, or music) must achieve the following:

1. – 2. Repealed

3. for endorsements issued 9/1/17 and beyond, earn a passing score for Praxis elementary education: multiple subjects; and

4. earn a passing score for Praxis principles of learning and teaching early childhood or accumulate 12 credit hours of combined early childhood and kindergarten coursework; and

5. complete nine semester hours of in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

6. Repealed.

C. Individuals holding a valid early interventionist certificate must achieve the following:

1. earn a passing score for Praxis—Elementary Education;

2. ...

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

4. Repealed.

D. Individuals holding a valid birth to kindergarten certificate must achieve the following:

1. earn passing score for Praxis Elementary Education in accordance with §303 of this Part; and

2. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6) and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), amended LR 48:2555 (October 2022), LR 49:

§1309. Requirements to add Elementary (Grades 1-5)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3 must achieve the following:

1. earn a passing score for Praxis—Elementary Education in accordance with §303 of this Part;
2. ...
3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.
4. Repealed.

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, and 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, special education certificate, or all-level K-12 certificate for art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn passing score for Praxis—Elementary Education in accordance with §303 of this Part or accumulate 12 semester hours in each subject area of mathematics, science, ELA, and social studies;
2. - 2.d. Repealed.
3. ...
4. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.
5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1064 (April 2022), amended LR 48:2555 (October 2022), LR 49:

§1311. Requirements to add Middle School (Grades 4-8) Specialty Area Endorsement for English, Mathematics, Science, or Social Studies

A. Individuals holding a valid OS, Type C, Level 1 or higher teaching certificate must achieve the following:

1. - 2. ...
3. complete six semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter.

B. - B.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1064 (April 2022), amended LR 49:

Subchapter B. Special Education Level and Area Endorsements

§1323. Requirements to add Early Interventionist Birth to Five Years

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special

education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must achieve the following:

1. earn a passing score for Praxis exams: Principles of Learning and Teaching; Early Childhood and Special Education: Early Childhood;
2. - 2.f. ...
3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.
4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), amended LR 48:2556 (October 2022), LR 49:

§1325. Requirements to add Deaf or Hard of Hearing K-12

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must earn the following:

1. 21 semester credit hours that pertain to children who are deaf or hard of hearing:
 - a. introduction to special education;
 - b. physiological, psychosocial, historical, sociological, and cultural aspects of deafness;
 - c. language development that includes linguistic principles and assessment strategies in language acquisitions for deaf and hard of hearing;
 - d. speech and speech reading;
 - e. educational audiology, auditory assistive devices and technology;
 - f. instructional strategies and curriculum development for deaf and hard of hearing students; and
 - g. communication methodology;

2. three semester hours of internship regarding students who are deaf or hard of hearing or three years of successful teaching experience with students who are deaf or hard of hearing verified in accordance with §103 of this Part;

3. Proficiency in signed, cued, or oral communication evidenced by one or more of the following means:

- a. signed:
 - i. Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T);
 - ii. Advanced on the Signed Communication Proficiency Interview (SCPI); or
 - iii. Level III of the Educational Interpreter Performance Assessment;

- b. cued—mini-proficiency, as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre);

- c. oral—successfully passing an additional course in Methods in Oral/Auditory Education; and

4. Passing score for Praxis exams in accordance with §303 of this Part.

5. - 11. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6) and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), amended LR 49:

§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010

A. - A.1.f. ...

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge; and

3. complete six semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies;

4. Repealed.

B. Mild/Moderate: 1-5. Individuals holding a valid upper elementary or middle school certificate grade levels 4-8, 5-8, or 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, all-level special education certificate in significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must earn the following:

1. - 1.f. ...

2. passing score for Praxis exams in accordance with §303 of this Part; and

3. complete six semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies;

4. Repealed.

C. - C.2.a. ...

i. Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge;

a.ii. - b. ...

i. Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge;

ii. - iii. ...

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

4. Repealed.

D. - D.2. ...

a. Mild/Moderate (4-8)—Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge;

b. Mild/Moderate (6-12):

i. Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge;

ii. - iii. ...

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies;

4. Repealed.

E. - E.2.a. ...

i. Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge; and

ii. - iii. ...

b. Mild/Moderate (6-12)—Special Education: Core Knowledge and Mild to Moderate Applications or Special Education: Foundational Knowledge and Secondary Content Exam(s); and

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies;

4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17: 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:458 (March 2022), repromulgated LR 48:1066 (April 2022), amended LR 48:2556 (October 2022), LR 49:

§1329. Requirements to add Significant Disabilities 1-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must earn the following:

1. - 1.g. ...

2. Three semester hours of internship of students with significant disabilities; or three years of successful teaching experience of students with significant disabilities verified in accordance with §103 of this Part; and

3. passing score for Praxis exams in accordance with §303 of this Part; and

4. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:460 (March 2022), repromulgated LR 48:1069 (April 2022), amended LR 48:2556 (October 2022), LR49:

§1331. Requirements to add Visual Impairments/Blind K-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, theater, or music must earn the following:

1. - 1.g. ...

2. three semester hours of internship of students who are visually impaired or three years of successful teaching experience of students who are visually impaired or blind, verified in accordance with §103 of this Part; and

3. a passing scores on exams aligned with the area in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6) and R.S. 17:8.1. – 8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:461 (March 2022), repromulgated LR 48:1069 (April 2022), amended LR 49:

Chapter 17. Certification Appeal Process

§1701. Overview

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to have the appeal evaluated by the Teacher Certification Appeals Council (TCAC). TCAC will evaluate all appeals and submit a written report of decisions to BESE. The decision of the TCAC is final.

B. - B.3. ...

4. Upon the notification of the dissolution of any association with nominating authority, BESE shall name a similar association to act as a nominating authority. The association shall submit a list of three nominees to the superintendent. The superintendent shall recommend one person from the list for approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6) and R.S. 17:8.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), amended LR 49:

Chapter 19. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates

§1909. Criminal History Reporting

A. - E. ...

* * *

F. - G. Repealed.

H. - H.3....

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, 17:7, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022), amended LR 49:

Dr. Holly Boffy
President

2309#004

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Limited Raffle Licenses
(LAC 42:I.1722)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:962(A)(1)(a), the Department of Revenue, Office of Charitable Gaming adopts LAC 42:I.1722. This action has been deemed necessary by the office to prevent imminent peril to the public welfare by “ensuring that the net proceeds of charitable games of

chance conducted pursuant to the Charitable Raffles, Bingo and Keno Licensing Law are contributed to bona fide charitable causes” and to expand and expedite access to smaller non-profit entities in need of funding by reducing requirements in accordance with R.S. 4:707.1. And further, to decrease the potential for fraud in charitable games of chance and increase compliance in accordance with R.S. 4:702. This Emergency Rule shall be effective September 1, 2023, and shall remain in effect for a period of 180 days unless renewed by the office or until adoption of the final rules, whichever occurs first.

Act 89 of the 2023 Regular Session of the Louisiana Legislature enacted R.S. 4:707.1 to establish a limited raffle license and provide exemptions from the requirements of R.S. 4:705(2)(c) (\$75 license fee) and 4:714(F)(1) (requiring a separate charitable gaming account). LAC 42:I.1722 sets forth the qualifications and requirements for a limited raffle license. The rule establishes a reduced license and renewal fee of \$25. Limited raffle licenses are available to organizations who conduct one or more raffle games during the 12-month license period with aggregate total prize winnings that do not exceed \$10,000. Act 89 became effective August 1, 2023.

Title 42

LOUISIANA GAMING

Part I. Charitable bingo, Keno, Raffle

Subpart 1. Bingo

Chapter 17. Charitable Bingo, Keno and Raffle §1722. Limited Raffle License Requirements

A. A limited raffle license may be issued pursuant to R.S. 4:707.1 to an organization that:

1. qualifies under Louisiana law to conduct charitable gaming;

2. holds one or more raffle games during the 12-month license period for which the aggregate value of all prizes to be awarded for all raffle games does not exceed \$10,000; and

3. the raffles are not conducted at a time and place other games of chance allowed under R.S. 4:707 are conducted.

B. Limited raffle licensees shall be subject to the same requirements as other licensed organizations conducting raffles except that:

1. the license and renewal fee shall be \$25;

2. a separate charitable gaming account shall not be required;

3. the information required by R.S. 4:716 shall be submitted annually rather than quarterly; and

4. the license renewal application may be submitted after June 30 without penalty, provided it is filed at least 30 days prior to the scheduled raffle unless the secretary waives this requirement for good cause.

C. Notwithstanding Paragraph B.1 of this Section, if the aggregate value of all prizes to be awarded during the license period will not exceed \$250, the license and renewal fees shall be waived.

D. Raffle games for which the prize value cannot reasonably be predetermined, such as 50/50 and split the pot raffles do not qualify for a limited raffle license. Similarly, raffles with prizes that by nature exceed \$10,000, such as automobiles and immovable property, do not qualify for the limited raffle license.

E. If the total prize winnings distributed by the licensee during the 12-month limited license period exceed \$10,000, the organization shall be prohibited from renewing its limited raffle license and shall be subject to a penalty of \$50 unless waived for good cause. In this case, the organization shall apply for a standard charitable gaming license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707.1 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:

Kevin J. Richard, CPA
Secretary

2309#007

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2023/2024 Oyster Season on Public Areas of Louisiana

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, which allows the Wildlife and Fisheries Commission (commission) to use emergency procedures to set oyster seasons and under the authority of R.S. 56:433 and R.S. 56:435.1.1, which mandates that the commission shall set oyster seasons each year on the natural reefs, the commission does hereby set and declare the 2023/2024 oyster season in Louisiana state waters as follows:

The Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, and Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open at one-half hour before sunrise on Monday, October 9, 2023 and the Sister Lake Public Oyster Seed Reservation shall close to the harvest of seed oysters at one-half hour after sunset on Monday, October 9, 2023.

The Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, shall open at one-half hour before sunrise on Tuesday, October 10, 2023 and shall close to the harvest of market oysters at one-half hour after sunset on Monday, October 30, 2023.

The Public Oyster Seed Grounds and Reservations East of the Mississippi River, as described in LAC 76:VII.511 and LAC 76:VII.513, Department of Health Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7 shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 13, 2023, and shall close to the harvest of market oysters at one-half hour after sunset on Monday, April 1, 2024. No seed oyster harvest shall be allowed from these areas during the 2023/2024 oyster season.

Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 13, 2023, and shall close to the harvest of market oysters at one-half hour after sunset on Monday, April 1, 2024.

Calcasieu Lake Public Oyster Area as described in R.S. 56:435.1.1, in specific the West Cove shall open one-half hour before sunrise on Sunday, October 15, 2023, and East

Cove shall open one-half hour before sunrise on Monday, January 1, 2024.

These actions shall not supersede public health closures.

During the 2023/2024 open oyster season, the following provisions shall be in effect:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed grounds and reservations described above shall be limited to a daily limit of sacks of oysters per vessel. The daily limit is not to exceed 30 sacks of oysters per vessel and the possession limit shall be twice the daily limit for the Public Oyster Seed Grounds and Reservations East of the Mississippi River, as described in LAC 76:VII.511 and LAC 76:VII.513, Department of Health Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7. The daily and possession limits for Sister Lake Public Oyster Seed Reservations Public Oyster Seed Ground as described in R.S. 56:434, Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, shall not exceed 30 sacks of oysters per vessel per day. The daily and possession limits for Calcasieu Lake shall not exceed 15 sacks of oysters per vessel per day in aggregate between West Cove and the East Side, with no more than 5 sacks coming from the East Side per day. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures. The daily take and possession limit shall not apply to vessels harvesting seed oysters for bedding purposes, at such times and in such public oyster areas where the harvest of seed oysters is allowed. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit, and these properly-permitted vessels shall not harvest oysters while operating under the cargo permit.

2. All vessels harvesting seed oysters for bedding purposes only in the open public oyster areas shall not have sacks or other containers typically used to hold oysters on board the harvest vessel.

3. A vessel is limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both on the same day.

4. If any person on a vessel takes or attempts to take oysters from the public oyster areas, seed grounds or reservations described above, all oysters contained on that vessel shall be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

5. The harvest of seed oysters from a public oyster seed ground or reservation shall be for the purpose of moving the live oyster resource. The removal of more than 15 percent of non-living reef material in bedding loads is prohibited. All vessels shall allow on-board inspection and sampling of seed oyster loads by Department of Wildlife and Fisheries (LDWF) personnel.

6. All oysters harvested from public areas, seed grounds or reservations for the purpose of market shall be uncontaminated, sealed and not gaping as described in R.S. 56:433.

7. All oysters harvested from public areas, seed grounds or reservations for the purpose of direct sale shall

measure a minimum of 3 inches from hinge to bill as described in R.S. 56:433.

8. Prior to leaving public oyster areas, seed grounds or reservations with oysters harvested from said areas, all oysters must be sacked, the number of sacks shall be recorded in a log book, and each sack shall be properly tagged, with the exception of bedding vessels.

9. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise, shall have all oyster scrapers unshackled.

10. In Calcasieu Lake, oyster scrapers are prohibited. Oyster harvesting shall be limited to oyster tongs or by hand. Oyster tongs shall be made as a grasping device consisting of two pieces joined by a pivot or hinged like scissors used for picking up objects.

11. Every vessel harvesting oysters from the Public Oyster Areas for oyster resource shall report harvest information to the LDWF before 9 p.m. each day fished. Vessels shall provide the following information: Captain's name, date of harvest, oyster harvester number, vessel number, the total number of sacks harvested that day, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic Reporting will be allowed and shall be performed in a manner prescribed by the LDWF. Daily harvest reporting is also available by calling 1-800-442-2511. This reporting does not substitute for trip ticket reporting as required by law.

The following areas shall remain closed for the entire 2023/2024 oyster season:

1. The Hackberry Bay, Lake Mechant and Bay Junop Public Oyster Seed Reservation as described in R.S. 56:434.

2. The 2022 Drum Bay Cultch Plants with the following coordinates:

North Plant

- 29 degrees 53 minutes 24.837 seconds,
- 89 degrees 17 minutes 08.500 seconds
- 29 degrees 53 minutes 50.990 seconds,
- 89 degrees 16 minutes 30.541 seconds
- 29 degrees 54 minutes 12.658 seconds,
- 89 degrees 16 minutes 43.889 seconds
- 29 degrees 53 minutes 55.360 seconds,
- 89 degrees 17 minutes 30.601 seconds

South Plant

- 29 degrees 52 minutes 32.400 seconds,
- 89 degrees 19 minutes 18.340 seconds
- 29 degrees 52 minutes 36.238 seconds,
- 89 degrees 18 minutes 40.818 seconds
- 29 degrees 53 minutes 07.579 seconds,
- 89 degrees 19 minutes 36.541 seconds
- 29 degrees 53 minutes 18.409 seconds,
- 89 degrees 19 minutes 07.703 seconds

Drum Bay SOS Enhancement

- 29 degrees 52 minutes 50.471 seconds,
- 89 degrees 16 minutes 38.502 seconds
- 29 degrees 52 minutes 54.871 seconds,
- 89 degrees 16 minutes 25.121 seconds
- 29 degrees 52 minutes 49.018 seconds,
- 89 degrees 16 minutes 21.173 seconds
- 29 degrees 52 minutes 44.382 seconds,
- 89 degrees 16 minutes 34.559 seconds

3. Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII:517.

4. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII:521.

5. The 2023 Calcasieu Lake Cultch Plant with the following coordinates:

- 2023 Calcasieu Lake Cultch Plant
- 29 degrees 50 minutes 31.761 seconds,
- 93 degrees 18 minutes 42.243 seconds
- 29 degrees 50 minutes 20.951 seconds,
- 93 degrees 18 minutes 44.229 seconds
- 29 degrees 50 minutes 29.153 seconds,
- 93 degrees 18 minutes 21.044 seconds
- 29 degrees 50 minutes 18.585 seconds,
- 93 degrees 18 minutes 21.352 seconds

6. Oyster harvest on the Sabine Lake Public Oyster Area is prohibited as described in R.S. 56:435.1.

The secretary of LDWF is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring, to delay the season or close areas where significant spat catch has occurred with good probability of survival, where it is found that there are excessive amounts of non-living reef material in seed oyster loads, if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

2. Adjust daily take and/or possession limits as biological or enforcement data indicate a need.

3. Adjust sacking-only areas and/or restrict the taking of seed oysters as biological or enforcement data indicate a need.

4. Reopen an area previously closed if the threat to the resource has ended, or open areas if substantial oyster resources are located.

Prior to any action, the secretary shall notify the chair of the commission of the intention to make any or all of the changes indicated above.

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

Andrew J. Blanchard
Chairman

2309#022

DECLARATION OF EMERGENCY

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

2023 Recreational Greater Amberjack Season Closure

Louisiana's recreational greater amberjack season was previously opened on August 1, 2023. The regional administrator of NOAA Fisheries has informed the secretary that the 2023 recreational season for the harvest of greater amberjack in the federal waters of the Gulf of Mexico will close on August 25, 2023 and will remain closed until August 1, 2024. Action by the Gulf of Mexico Fisheries Management Council established new catch limits in order

to prevent overfishing of greater amberjack and data indicate those catch limits have been met. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the recreational harvest of greater amberjack in Louisiana state waters shall close at 12:01 a.m. on August 25, 2023 and remain closed until the start of the 2024 recreational season, currently expected to open on August 1, 2024. Effective with this closure, no person shall recreationally harvest or possess greater amberjack whether within or without Louisiana waters.

Robert E. Shadoin
Secretary

2309#001

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Prohibition of Fire on LDWF-Owned or Managed Lands

In accordance with R.S. 49:962 of the Administrative Procedure Act, and under authority of R.S. 56:6, R.S. 56:32, R.S. 56:115 and R.S. 56:702, and LAC 76:XIX.111.A.1 and LAC 76:XIX.111.G.1.c, the secretary of the Department of Wildlife and Fisheries (LDWF) adopts the following Emergency Rule:

Louisiana is experiencing a period of severe drought and extreme heat, resulting in more than 440 wildfires since August 1, 2023, which continue to burn thousands of acres across the state. As a result, on August 11, 2023, Governor John Bel Edwards issued Proclamation 141 JBE 2023, declaring a statewide emergency, while authorizing and ordering all departments, commissions, boards, agencies and officers of the state to cooperate in actions the state may take in this event. Conditions conducive for wildfires are expected to continue through the Labor Day weekend and beyond, putting at risk the life, safety and welfare of the citizens of Louisiana as well as fish and wildlife resources. Consequently, the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare a statewide emergency regarding all LDWF Wildlife Management Areas, refuges, and conservation areas ("LDWF owned or managed lands"). As a matter of public safety and protection, and in order to protect the fish and wildlife resources of the State of Louisiana, igniting fires of

any kind, including, but not limited to, campfires, barbecue grills, or using matches, lighters, or any other device or instrument which is intended to ignite flames, is strictly prohibited upon LDWF owned or managed lands. Failure to abide by this Declaration of Emergency shall constitute a Class 2 violation. This Declaration of Emergency is effective from Friday, September 1, 2023, through Thursday, October 5, 2023, unless otherwise rescinded or amended by the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission.

Robert E. Shadoin
Secretary

2309#012

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Prohibition of Fire on LDWF-Owned or Managed Lands

In accordance with R.S. 49:962 of the Administrative Procedure Act, and under authority of R.S. 56:6, R.S. 56:32, R.S. 56:115 and R.S. 56:702, and LAC 76:XIX.111.A.1 and LAC 76:XIX.111.G.1.c, the Secretary of the Department of Wildlife and Fisheries (LDWF) adopts the following Emergency Rule:

Louisiana is experiencing a period of severe drought and extreme heat, resulting in more than 440 wildfires since August 1, 2023, which continue to burn thousands of acres across the state. As a result, the Office of State Fire Marshal issued a Cease and Desist Order dated August 7, 2023 for all private burning. On August 11, 2023, Governor John Bel Edwards issued Proclamation 141 JBE 2023, declaring a statewide emergency, while authorizing and ordering all departments, commissions, boards, agencies and officers of the state to cooperate in actions the State may take in this event. On August 25, 2023, the Office of State Fire Marshal issued a statewide burn ban prohibiting all private burning with no limitations. Conditions conducive for wildfires are expected to continue through the Labor Day weekend and beyond, putting at risk the life, safety and welfare of the citizens of Louisiana as well as fish and wildlife resources. As a result, the secretary of the Department of Wildlife and Fisheries executed a Declaration of Emergency dated September 1, 2023, prohibiting the ignition of fires of any kind upon LDWF owned or managed lands. On September 6, 2023, the Office of State Fire Marshal issued a news release stating that outdoor cooking can resume with safety measures in place, despite the continuation of the statewide burn ban.

Now, the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare a statewide emergency regarding all LDWF Wildlife Management Areas, refuges, and conservation areas ("LDWF owned or managed lands"). As a matter of public safety and protection, and in order to protect the fish and wildlife resources of the State of Louisiana, all burning upon LDWF owned or managed lands is strictly prohibited. However, outdoor cooking is allowed using contained

cooking equipment, designed for cooking purposes only, on a flame-resistant surface with a water source or fire extinguisher nearby. Failure to abide by this Declaration of Emergency shall constitute a Class 2 violation.

This Declaration of Emergency is effective September 7, 2023 at 5:00 PM, rescinding and replacing the Declaration of Emergency dated Friday, September 1, 2023. It remains in effect through Thursday, October 5, 2023, unless otherwise

rescinded or modified by the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission.

Robert E. Shadoin
Secretary

2309#055

Rules

RULE

Tuition Trust Authority Office of Student Financial Assistance

START Saving Program
(LAC 28:VI.311, 315, and 507)

The Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). This Rule is hereby adopted on the day of promulgation. (ST23209R)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 3. Education Savings Account

§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - G. ...

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a qualified ABLE program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a qualified ABLE program are forfeited.

c. A rollover by a Louisiana resident to any Qualified Able Program Account will be subject to Louisiana Tax Table Income in accordance with state law.

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

5. Beginning August 1, 2022, an account owner may rollover any or all of the value of an ESA to a START K12 account. Earnings enhancements may not be transferred to a START K12 account and will remain in the ESA for use by the beneficiary for qualified higher education expenses.

6. Beginning with distributions made on or after January 1, 2024, an account owner may rollover any or all of

the value of an ESA to a Roth Individual Retirement Account (IRA), subject to the following restrictions:

a. the account must have been maintained for at least 15 years prior to the date of the requested rollover; and

b. the rollover must be comprised of funds that were deposited at least five years prior to the date of the requested rollover; and

c. the rollover must be made directly to the administrator of the Roth IRA; and

d. the total amount of the rollover, together with all other contributions during the year of the rollover, may not exceed the annual contribution limit for a Roth IRA as published annually by the Internal Revenue Service (IRS); and

e. the maximum aggregate dollar amount of rollovers from one or more ESAs to a Roth IRA for a single beneficiary in that beneficiary's lifetime shall not exceed \$35,000.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021), LR 49:58 (January 2023), LR 49:1551 (September 2023).

§315. Miscellaneous Provisions

A. - B.46. ...

47. For the year ending December 31, 2022, the Louisiana Education Tuition and Savings Fund earned an interest rate of 0.97 percent.

48. For the year ending December 31, 2022, the Savings Enhancement Fund earned an interest rate of 1.32 percent.

C. - S.2.

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:1082 (July 2016), LR 42:1658 (October 2016), LR 43:1731 (September 2017), LR 44:1888 (October 2018), LR 45:1177 (September 2019), LR 46:1223 (September 2020), LR 47:1495 (October 2021), LR 48:2561 (October 2022), LR 49:1551 (September 2023).

Chapter 5. Achieving a Better Life Experience (ABLE)

§507. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

Eligible Individual—an individual is an eligible individual for a given tax year if one of the following is met:

a.i. through December 31, 2025, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

b.i. beginning January 1, 2026, the individual is entitled to benefits based on blindness or disability under Title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 46; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:639 (April 2017), amended LR 44:1888 (October 2018), LR 47:575 (May 2021), LR 49:1552 (September 2023).

Robyn Rhea Lively
Senior Attorney

2309#023

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Water Quality Standards Triennial Revision
(LAC 33:IX.1109, 1113, and 1123)(WQ111)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.1109, 1113, and 1123 (WQ111).

The Rule will revise Chapter 11 of the Water Quality regulations for clarification. The 2021 Triennial Review Report of Findings document identified several sections in Chapter 11 with errors. Throughout Chapter 11, units expressed in terms of milligrams per liter use the abbreviation (mg/L). An abbreviation was found having (mg/l) in §1109. Section 1113 incorrectly implies numeric criteria may be adopted based on the absence of data. Table 1 of §1113 has the endrin freshwater chronic criterion listed with a missing digit. Table 3 of §1123 has a missing designated use, an extraneous designated use, and incorrectly listed temperature criterion. These errors will be

corrected with this Rule. The Water Quality Management Plan, Volume 3 was updated in July 2022, resulting in the need to update verbiage in §§1109 and 1113. This action is required in order to fulfill the department's obligation to review and revise the state's water quality standards, pursuant to 40 CFR 131.20, as necessary, at least once every three years. The basis and rationale for this Rule are to conform to section 303(c) of the Clean Water Act, and to maintain and protect state waters. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception classification, compliance schedules, variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - C.2.d. ...

3. Naturally Dystrophic Waters

a. Naturally dystrophic waters include waters that receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by nonanthropogenic sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (e.g., bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low-gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/L) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

C.3.b. - K.4.d. ...

e. Additional or site-specific criteria may be necessary to protect other existing or beneficial uses identified by the administrative authority. The following site-specific criteria have been approved by the administrative authority for wastewater assimilation projects.

i. Luling Wetland, South Slough Wetland, Chinchuba Swamp Wetland, East Tchefoncte Marsh Wetland, Cypress Island Coulee Wetland, and Cote Gelee Wetland Designated Naturally Dystrophic Waters Segment. The following criteria are applicable: no more than 20 percent reduction in the total above-ground wetland productivity, as measured by tree, shrub, and/or marsh grass productivity.

ii. Poydras-Verret Marsh Wetland Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

(a). no more than 50 percent reduction in the wetlands faunal assemblage total abundance, total abundance of dominant species, or the species richness of fish and macroinvertebrates, minimum of five replicate samples per site; $p = 0.05$; and/or

(b). no more than 20 percent reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.

iii. Breaux Bridge Swamp and Thibodaux Swamp - Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in biomass.

iv. Bayou Ramos Swamp Wetland - Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in abundance.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1546 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 49:1552 (September 2023).

§1113. Criteria

A. - B.12.a. ...

b. Wetlands Approved for Wastewater Assimilation Projects Pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for

Implementing Louisiana Surface Water Quality Standards. The biological integrity for wetlands approved for wastewater assimilation projects will be determined in accordance with procedures set forth in the Water Quality Management Plan, Volume 3 and in accordance with site-specific permit requirements. An LPDES permit identifies the requirements and conditions, including biological (or vegetative) criteria that determine compliance with the permit. Upon permit issuance, the permittee will be required to conduct ongoing physical, chemical, and biological measurements to ensure the health of the wetland. Wetland biological integrity will be guided by above-ground wetland vegetative productivity with consideration given to floral diversity. Due to effluent addition, the discharge area of a wetland shall have no more than a 20 percent reduction in the rate of total above-ground wetland productivity as compared to a reference area, unless site-specific criteria are established through the permitting process, in accordance with the Water Quality Management Plan, Volume 3. Measurements may include, but are not limited to, sampling in the discharge and reference areas. The discharge area is the area of a wetland directly affected by effluent addition. For each location, the discharge area will be defined by the volume of discharge. The reference area is the wetland area that is nearby and similar to the discharge area but that is not affected by effluent addition. Above-ground productivity is a key measurement of overall ecosystem health in the wetlands of south Louisiana. Primary productivity is dependent on a number of factors, and the methods for measurement of above-ground productivity and floral diversity are found in the current Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

B.13. - C.6. ...

a. Numeric criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: Water Quality Criteria, 1972 (commonly referred to as the "Blue Book"; Quality Criteria for Water, 1976 (commonly referred to as the "Red Book"; Ambient Water Quality Criteria, 1980 (EPA 440/5-80); Ambient Water Quality Criteria, 1984 (EPA 440/5-84-85); and Quality Criteria for Water, 1986—with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known occurrence in Louisiana waters and potential threat to attainment of designated water uses.

b. - f. ...

Table 1 Numeric Criteria for Specific Toxic Substances [In micrograms per liter (µg/L)]								
Toxic Substance Chemical Abstracts Service (CAS) Registry Number	Aquatic Life Protection						Human Health Protection	
	Freshwater		Marine Water		Brackish Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic	Acute	Chronic		
Endosulfan ⁷ 115-29-7	0.22	0.0560	0.034	0.0087	0.034	0.0087	0.47	0.64
Endrin 72-20-8	0.0864	0.03575	0.037	0.0023	0.037	0.0023	0.26	0.26

Table 1 Numeric Criteria for Specific Toxic Substances [In micrograms per liter (µg/L)]								
Toxic Substance Chemical Abstracts Service (CAS) Registry Number	Aquatic Life Protection						Human Health Protection	
	Freshwater		Marine Water		Brackish Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic	Acute	Chronic		
Ethylbenzene 100-41-4	3,200	1,600	8,760	4,380	3,200	1,600	247	834
* * *								

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289

(March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1188 (September 2019), LR 46:1550 (November 2020), LR 48:1498 (June 2022), amended by the Office of the Secretary, Legal Affairs Division LR 49:1553 (September 2023).

§1123. Numeric Criteria and Designated Uses

A. - E. ...

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
* * *									
Barataria Basin (02)									
* * *									
020304	Lake Salvador	A B C	600	100	3.3 April-Sept.; 5.0 Oct.-Mar.	6.0-8.5	1	32	1,320
020401	Bayou Lafourche—From Donaldsonville to ICWW at Larose	A B C D	70	55	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	500
* * *									
Calcasieu River Basin (03)									
* * *									
Lake Pontchartrain Basin (04)									
* * *									
040606	Selsers Creek—From Sisters Road to South Slough	A B C	30	20	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	30	150
040701	Tangipahoa River—From Mississippi state line to Interstate Highway 12 (Scenic)	A B C G	30	10	5.0	6.0-8.5	1	30	140
* * *									
040804	Bogue Falaya River—From headwaters to Tchefuncte River (Scenic) [12]	A B C G [12]	20	10	5.0	6.0-8.5	1	30	110
040807	Ponchitola Creek—From headwaters to US Highway 190	A B C	850	135	5.0	6.0-8.5	1	30	1,850
* * *									
041808	New Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
041901	Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
* * *									
Mermentau River Basin (05)									
* * *									
050603	Bayou Chene—From headwaters to Lacassine Bayou; includes Bayou Grand Marais	A B C F	90	10	[16]	6.5-9.0	1	32	400
* * *									

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
Vermilion-Teche River Basin (06)									

060804	Intracoastal Waterway—From Vermilion Lock to 1/2 mile west of Gum Island Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A
060901	Bayou Petite Anse—From headwaters to Bayou Carlin (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1 [25]	35	N/A

061105	Marsh Island (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4 [25]	35	N/A

Mississippi River Basin (07)									

Ouachita River Basin (08)									

081612	Georgetown Reservoir	A B C D	250	500	5.0	6.0-8.5	1	33	1,000
Pearl River Basin (09)									

Red River Basin (10)									

Sabine River Basin (11)									

Terrebonne Basin (12)									

120206	Grand Bayou and Little Grand Bayou—From headwaters to Lake Verret	A B C	60	40	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	300
120301	Bayou Terrebonne—From Thibodaux to ICWW in Houma	A B C	540	90	2.3 Mar.-Nov.; 5.0 Dec.-Feb.	6.0-8.5	1	32	1,350

ENDNOTES:

- [1]. - [4]. ...
- [5]. Reserved.
- [6]. - [16]. ...
- [17]. Reserved.
- [18]. Reserved.
- [19]. - [22]. ...
- [23]. Reserved.
- [24]. - [25]. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010), amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1178 (September 2019), LR 46:1087 (August

2020), LR 46:1555 (November 2020), LR 47:876 (July 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:1554 (September 2023).

Courtney J. Burdette
Executive Counsel

2309#020

RULE

**Department of Health
Board of Pharmacy**

DATA—Waiver Registration Elimination
(LAC 46:LIII.2745)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §2745 of its rules relative to prescriptions. The Rule change eliminates certain requirements concerning prescriptions of Schedule III, IV, or V controlled substances for detoxification or maintenance treatment. Previously, practitioners were required under federal law to obtain a special identification number from the DEA prior to prescribing or dispensing these drugs, or were required to submit a written notice of intent to obtain such a number. LBP rules currently require that such prescriptions be accompanied by this identification number or written notice. The Rule change eliminates this requirement because federal

law no longer requires practitioners to obtain this identification number. The Rule change also corrects the Code of Federal Regulations (CFR) reference for exemption of registration for certain military personnel engaged in certain controlled substance activities. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances
Subchapter F. Production, Distribution, and Utilization
§2745. Prescriptions

A. - B.3. ...

C. Manner of Issuance

1. - 2.e....

3. Repealed.

4. - 5. ...

6. An official exempted from registration under 21 CFR §1301.23 shall include on all prescriptions issued by him his branch of service or agency and his service identification number, in lieu of the registration number of the practitioner required by this Section. Each such prescription shall have the name of the officer stamped, typed, or hand printed on it, as well as the signature of the officer.

C.7. - E.3. ...

4. A practitioner may prescribe, administer or provide directly any narcotic drug listed in schedule III, IV, or V approved by the FDA specifically for use in maintenance or detoxification treatment to a narcotic dependent person if the practitioner complies with the requirements of 21 CFR.

F. - G.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016), amended LR 47:1645 (November 2021), amended LR 49:1556 (September 2023).

M. Joseph Fontenot Jr.
Executive Director

2309#011

RULE

**Department of Health
Board of Pharmacy**

**Healthcare Workplace Violence Prevention
(LAC 46:LIII.1103)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §1103 of its rules relative to prescription department requirements to address workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislative Session. The Rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to

signage, prevention plans, and reporting. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1103. Prescription Department Requirements

A. - I.2. ...

J. Healthcare Workplace Violence Prevention. The pharmacy shall comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1642 (November 2021), LR 48:497 (March 2022), LR 49:1556 (September 2023).

M. Joseph Fontenot Jr.
Executive Director

2309#009

RULE

**Department of Health
Board of Pharmacy**

Pharmacy Benefit Managers (LAC 46:LIII.Chapter 30)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §3003 and §3005 of its rules relative to pharmacy benefit managers to remove the requirement for a pharmacy benefit manager applicant to include copies of governance documents and the standard generic contract template used by the applicant with the initial permit application. Additionally, the board has amended Chapter 30 in its entirety due to Act 536 of the 2022 Regular Session which clarified legislative intent to mandate licensure of pharmacy benefit managers by the Board of Pharmacy. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 30. Pharmacy Benefit Managers

§3003. Pharmacy Benefit Manager Permit

A. A pharmacy benefit manager, as defined at R.S. 40:2863, shall obtain and maintain a pharmacy benefit manager permit from the board prior to conducting business in Louisiana if it administers, develops, maintains, performs, or provides one or more of the pharmacy services enumerated in R.S. 40:2868 in the state or that affects one or more beneficiaries of a pharmacy benefit management plan, as defined at R.S. 40:2863, administered by the pharmacy benefit manager.

B. A pharmacy benefit manager permit shall authorize the permit holder to administer pharmacy benefit management services.

C. The board shall not issue a pharmacy benefit manager permit to any person or other entity which has not yet registered with the Louisiana Secretary of State to conduct business within the state.

D. A pharmacy benefit manager permit is not transferable from the original owner. The permit shall not be subject to sale, assignment or other transfer, voluntary or involuntary. Moreover, in the event the ownership of the pharmacy benefit manager changes by 50 percent or more after the initial issuance of the permit, the ownership will be deemed sufficiently different as to require a new pharmacy benefit manager permit. The continued operation of a pharmacy benefit manager permit after its ownership has changed by 50 percent or more shall constitute sufficient basis for the board to issue a finding for the operation of a pharmacy benefit manager without a valid permit, in violation of R.S. 40:2865.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:591 (May 2021), amended LR 49:1556 (September 2023).

§3005. Permitting Procedures

A. Application for Initial Issuance of Permit

1. The board shall develop an application form suitable for the pharmacy benefit manager permit. The board may revise that application form on its own initiative in order to collect the information it deems necessary to properly evaluate an applicant.

2. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.

3. Once received by the board, an application for the permit shall expire one year thereafter.

4. In the event any information contained in the application or accompanying documents changes after being submitted to the board and before the issuance of the permit, the applicant shall immediately notify the board in writing and provide corrected information.

5. The applicant may be required to personally appear before the board or any of its committees prior to any decision on the permit application.

6. Upon approval of the application, the board shall issue the pharmacy benefit manager permit to the applicant.

B. Application for Renewal of Permit

1. All pharmacy benefit manager permits shall expire two years after the date of its initial issuance and the renewals shall expire every two years thereafter on that anniversary date.

2. The board shall not process applications received by facsimile, or that are incomplete.

3. In the event a pharmacy benefit manager does not submit a properly completed renewal application to the board prior to the expiration of the permit, the permit shall be rendered null and void. The continued operation of a pharmacy benefit manager with an expired permit shall constitute sufficient basis for the board to issue a finding for the operation of a pharmacy benefit manager without a valid permit, in violation of R.S. 40:2865.

4. A pharmacy benefit manager permit not renewed by 30 days after the expiration date shall be automatically terminated by the board.

C. Application for Reinstatement of Terminated, Suspended, or Revoked Permit

1. The applicant shall complete the application form for this specific purpose supplied by the board.

2. Upon the receipt of a properly completed application form, the board staff shall refer the application to the board's reinstatement committee for its consideration and shall notify the applicant of the time and place for the committee meeting.

D. Maintenance of Permit

1. A pharmacy benefit manager permit shall be valid for the entity to whom it is issued and shall not be subject to sale, assignment or other transfer, voluntary or involuntary.

2. Upon receipt of a written request and payment of the fee authorized in R.S. 37:1184, the board shall issue a duplicate or replacement permit to the applicant; however, such duplicate or replacement permit shall not serve or be used as an additional or second permit.

E. Permanent Closure of Permit

1. In the event the pharmacy benefit manager contemplates permanent closure of the pharmacy benefit manager business, the owner of the permit shall notify the board, in writing, 10 days prior to the anticipated date of closure and surrender its permit.

2. The notice required in this Subsection shall include an acknowledgement of the firm's obligation to maintain copies of all records for all patients and pharmacies in Louisiana for a minimum of two years following the date of closure and surrender of its permit, and further, the point of contact for all inquiries and requests for such records during that two-year period of time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:591 (May 2021), amended LR 48:2105 (August 2022), amended and amended LR 49:1557 (September 2023).

M. Joseph Fontenot Jr.
Executive Director

2309#013

RULE

Department of Health Board of Pharmacy

Pharmacy Change of Ownership (LAC 46:LIII.1135)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §1135 of its rules relative to pharmacy change of ownership procedures. The amended Rule limits the circumstances under which pharmacy owners must obtain a new permit when ownership of the pharmacy is transferred by requiring that an application for a new pharmacy permit is to be filed and a new permit obtained only when there is a change in the identity of the natural person, partnership, or

business entity which directly holds the permit or when there is a change in the person or entity's Federal Employer Identification Number (FEIN). The amended Rule requires a new application to be filed at least 15 days before closing the transfer of ownership interests, require the application to include the direct and first indirect level of ownership information, and require any change in the first indirect level of ownership of 20 percent or more to be reported to the board within 30 days of the change. The amended Rule clarifies that nothing prohibits an entity from applying for a new pharmacy permit in order to separate itself from actions of the previous ownership. The changes also clarify that operation of a permit subsequent to a change of ownership without submission of a new permit application may violate R.S. 37:1221. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location

§1135. Pharmacy Change of Ownership Procedures

- A. A pharmacy permit is not transferable.
- B. A new application shall be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the permit has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).
- C. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.
- D. An application for a new pharmacy permit shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.
- E. Nothing in this section shall prohibit an entity from applying for a new pharmacy permit in order to separate itself from actions which may have been committed by the previous ownership under the existing pharmacy permit.
- F. The continued operation of a pharmacy permit subsequent to a change of ownership, without submission of an application to the board office, may substantiate a violation of R.S. 37:1221.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2092 (October 2003), effective January 1, 2004, amended LR 33:1131 (June 2007), amended LR 49:1558 (September 2023).

M. Joseph Fontenot Jr.
Executive Director

2309#014

RULE

Department of Health
Board of Pharmacy

Staffing Ratios (LAC 46:LIII.709 and 907)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §709 relative to pharmacy interns and §907 relative to pharmacy technicians. The Rule changes in §709 and §907 provide that the ratio of pharmacy interns, certified pharmacy technicians, and pharmacy technician candidates to pharmacists on duty shall not exceed four to one in any staff mixture at any given time. Of these four, no more than two may be pharmacy technician candidates. In addition to these four, the ratio of pharmacy interns on rotation with a board approved college of pharmacy to pharmacists on duty shall be no more than three to one. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 7. Pharmacy Interns

Subchapter B. Professional Practice Procedures

§709. Scope of Practice

- A. ...
- B. The ratio of pharmacy interns, certified pharmacy technicians, and pharmacy technician candidates to pharmacists on duty shall not exceed four to one in any variable at any given time, of which the ratio of pharmacy technician candidates to pharmacists shall be no more than two to one. In addition, the ratio of pharmacy interns on rotation with a board approved college of pharmacy to pharmacists shall be no more than three to one.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 36:755 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 48:495 (March 2022), amended LR 49:1558 (September 2023).

Chapter 9. Pharmacy Technicians

§907. Scope of Practice

A. Pharmacy technician candidates and pharmacy technicians may assist the pharmacist by performing those duties and functions assigned by the pharmacist while under his direct and immediate supervision.

- 1. The ratio of pharmacy technician candidates, certified pharmacy technicians, and pharmacy interns to pharmacists on duty shall not exceed four to one in any variable at any given time, of which the ratio of pharmacy technician candidates to pharmacists shall be no more than two to one.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 32:1049 (June 2006), amended by the Department of Health, Board of Pharmacy, LR 43:2498 (December 2017), effective January 1, 2018, amended LR 48:496 (March 2022), amended LR 49:1558 (September 2023).

M. Joseph Fontenot Jr.
Executive Director

2309#010

RULE

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

**Healthcare Services Provider Fees
Emergency Ground Ambulance Service Providers
(LAC 48:I.4001)**

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.4001 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 1. General**

Chapter 40. Provider Fees

§4001. Specific Fees

A. Definitions

Emergency Ground Ambulance Service Provider—a non-public, non-federal provider of emergency ground ambulance services.

* * *

a. ...

* * *

B. - D. ...

E. Emergency Ground Ambulance Services. A fee shall be imposed on emergency ground ambulance services in accordance with R.S. 46:2626.

1. The assessment shall be a percentage fee, determined at the discretion of the secretary with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up a minimum of 65 percent of all emergency ground ambulance services in the state of Louisiana.

a. the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The department will arrive at net patient services revenue by using net operating revenue as defined in R.S. 46:2626.

1.b. - 3.a. Repealed.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234, R.S. 36:254, and Article VII, Section 10.13 of the Constitution of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018), LR 45:1597 (November 2019), LR 49:263 (February 2023), LR 49:1559 (September 2023).

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

Stephen R. Russo, JD
Secretary

2309#047

RULE

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services
and
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers
Fiscal Employer Agent Standards for Participation
(LAC 50:XXI.Chapter 11)**

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities have adopted LAC 50:XXI.Chapter 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is adopted on the day of promulgation.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers
Subpart 1. General Provisions
Chapter 11. Fiscal Employer Agent Standards for
Participation in Home and Community-
Based Services Waiver Programs**

**Subchapter A. General Provisions
§1101. Introduction**

A. The Department of Health (LDH) establishes these minimum standards for participation as a fiscal employer agent (F/EA). These standards provide the core requirements for financial management services provided under home and community-based services waiver programs administered by

the Office of Aging and Adult Services (OAAS), the Office for Citizens with Developmental Disabilities (OCDD), and the Bureau of Health Services Financing (BHSF).

B. LDH is responsible for setting the standards for F/EAs, monitoring the provisions of this Rule, and applying administrative sanctions for failures to meet the minimum standards for participation in serving employers/participants of the OAAS and OCDD-administered waiver programs.

C. The F/EA provides financial management services for participants who are eligible for self-directed waiver services. Under this service model, the F/EA assists individuals with management of fiscal employment and/or budget responsibilities and will provide the employer/participant with current utilization information to ensure self-directed services are not exceeded beyond the prior authorization cap; processes employer-related payroll and necessary taxes on behalf of self-direction participants. The F/EA also verifies qualifications (e.g., background checks, exclusion checks, etc.) for employees hired by the employers.

D. Medicaid-enrolled F/EAs providing financial management services at the time of OCDD and OAAS-administered waiver programs shall be required to meet the requirements of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1559 (September 2023).

§1103. Certification Requirements

A. All F/EAs that provide financial management services must be certified through completion of a readiness review by LDH. It shall be unlawful to operate as an F/EA without being certified by LDH.

B. In order to provide financial management services, the F/EA must:

1. be certified through completion of a readiness review and meet the standards for participation requirements as set forth in this Rule;
2. sign a performance agreement with LDH;
3. enroll as an F/EA with the Louisiana Medicaid program to provide services for OCDD and OAAS-administered home and community-based services; and
4. comply with all policies and procedures set forth by LDH.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1560 (September 2023).

§1105. Certification Issuance

A. A certification shall:

1. be issued only to the F/EA named in the certification application;
2. be valid only for the F/EA to which it is issued after all applicable requirements are met;
3. enable the F/EA to provide financial management services for OCDD and OAAS-administered home and community-based services waivers statewide;
4. be valid indefinitely, unless revoked, suspended, modified, or terminated; and

5. be issued by LDH.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1560 (September 2023).

§1107. Certification Refusal or Revocation and Fair Hearing

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1560 (September 2023).

§1109. Certification Review

A. Compliance with certification requirements is determined by LDH through its F/EA monitoring processes. Monitors must be given access to data upon request by LDH to ensure the F/EA continues to meet certification requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1560 (September 2023).

Subchapter B. Administration and Organization

§1115. Governing Body

A. The F/EA shall have an identifiable governing body with responsibility for and authority over its policies and activities.

B. The F/EA shall have documents identifying all members of the governing body, their addresses, their terms of membership, and officers of the governing body.

C. The governing body of the F/EA shall:

1. ensure continual compliance and conformity with all relevant federal, state, local, and municipal laws and regulations;
2. ensure the F/EA is adequately funded and fiscally sound;
3. review and approve the F/EA's annual budget; and
4. designate a person to act as administrator and delegate sufficient authority to this person to manage the F/EA.

D. The F/EA shall maintain an administrative file that includes:

1. documents identifying the governing body;
2. a list of members and officers of the governing body, along with their addresses and terms of membership;
3. minutes of formal meetings and by-laws of the governing body, if applicable;
4. documentation of the F/EA's authority to operate under state law;
5. an organizational chart of the F/EA which clearly delineates the line of authority;
6. all leases, contracts and purchases-of-service agreements to which the F/EA is a party;

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1560 (September 2023).

§1117. Business Location and Operations

A. The F/EA shall have a business location which shall not be in an occupied personal residence. The F/EA must maintain the following at the business location:

1. staff to perform administrative functions;
2. direct service worker/employee personnel records; and
3. participant service records.

B. The F/EA shall have the following for the business location:

1. a published nationwide toll-free telephone number that is available during business hours and capable of receiving messages 24 hours a day, seven days a week, including holidays;
2. a published business telephone number answered by staff during business hours;
3. a business fax number that is operational 24 hours a day, seven days a week, including holidays;
4. internet access;
5. a designated e-mail mailbox to receive inquiries from Medicaid beneficiaries and LDH; and
6. business hours shall be at least 8 a.m. to 5 p.m. CT, Monday through Friday, excluding official state holidays.

C. Records and other confidential information shall be secure and protected from unauthorized access.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1561 (September 2023).

§1119. Financial Management

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

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

1. The F/EA shall have a written disclosure of any financial transaction with the F/EA in which a member of the governing board, administrative personnel, or his/her immediate family is involved.

C. To ensure the F/EA's ability to pay direct service workers for waiver services delivered, the F/EA shall have and maintain documented evidence of an available line of credit of at least \$1,000,000 or a cash reserve sufficient to cover the cost of two payroll cycles.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1561 (September 2023).

§1121. Policy and Procedures

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

1. confidentiality and confidentiality agreements;
2. security of files;
3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation, and kickbacks;
4. personnel;
5. grievance procedures;
6. emergency preparedness;
7. procedures for reporting suspected abuse, neglect, exploitation, and extortion;
8. procedures for reporting suspected fraud;
9. documentation; and
10. enrollment/disenrollment procedures.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1561 (September 2023).

§1123. Organizational Communication

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

B. The F/EA must have brochures and make them available to LDH or its designee. The brochures must include the following information:

1. a toll-free number and email address to direct customer service questions or to receive assistance;
2. information on how to make a complaint if they are dissatisfied with F/EA services; and
3. a description of the F/EA, services provided, current mailing and physical addresses, website information, and the F/EA's toll-free number.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1561 (September 2023).

Subchapter C. Provider Responsibilities

§1129. General Provisions

A. Any entity wishing to provide F/EA services shall meet all of the standards for participation contained in this Rule, unless otherwise specifically noted within these provisions.

B. The F/EA shall also abide by and adhere to any federal and state law, Rule, policy, procedure, performance agreement, or other state or federal requirements pertaining to the provision of F/EA services.

C. Failure to comply with the requirements of these standards for participation may result in the following actions including, but not limited to:

1. recoupment of funds;
2. sanctions for violations/non-performance as outlined in the performance agreement;
3. citation of deficient practice and plan of correction submission;
4. removal from the F/EA freedom of choice list; or
5. decertification as an F/EA and termination of the F/EA's Medicaid provider enrollment.

D. The F/EA shall make any required information or records, and any information reasonably related to assessment of compliance with these requirements, available to LDH.

E. The F/EA shall, upon request by LDH, make available the legal ownership documents of the F/EA.

F. The F/EA must comply with all of LDH's systems/software requirements, including the following:

1. The F/EA is required to transmit all non-proprietary data which is relevant for analytical purposes to LDH on a regular schedule in XML format.

a. Final determination of relevant data will be made by LDH based on collaboration between all parties;

b. The schedule for transmission of the data will be established by LDH and dependent on the needs of LDH related to the data being transmitted;

c. XML files for this purpose will be transmitted via secure file transfer protocol (SFTP) to LDH; and

d. Any other data or method of transmission used for this purpose must be approved via written agreement by all parties.

2. The F/EA is responsible for procuring and maintaining hardware and software resources which are sufficient for it to successfully perform the services detailed in this Rule.

3. The F/EA shall adhere to state and federal regulations and guidelines as well as industry standards and best practices for systems or functions required to support the requirements of this Rule.

4. Unless explicitly stated to the contrary, the F/EA is responsible for all expenses required to obtain access to LDH systems or resources which are relevant to successful completion of the requirements of this agreement. The F/EA is also responsible for expenses required for LDH to obtain access to the F/EA's systems or resources which are relevant to the successful completion of the requirements of this agreement. Such expenses are inclusive of hardware, software, network infrastructure, and any licensing costs.

5. The F/EA, for all confidential or protected health information, must be encrypted to federal information processing standards (FIPS) 140-2 standards when at rest or in transit.

6. The F/EA shall ensure appropriate protections of shared personally identifiable information (PII), in accordance with 45 CFR §155.260.

7. The F/EA shall ensure that its system is operated in compliance with the Centers for Medicare and Medicaid Services' (CMS) latest version of the minimum acceptable risk standards for exchanges (MARS-E) document suite.

8. Multi-factor authentication is a CMS requirement for all remote users, privileged accounts, and non-privileged accounts. In this context, remote user refers to staff accessing the network from offsite, normally with a client virtual private network (VPN) with the ability to access Medicaid and PII data.

9. A site-to-site tunnel is an extension of LDH's network. If the agent utilizes a VPN site-to-site tunnel and also has remote users who access CMS data, the agent is responsible for providing and enforcing multi-factor authentication.

10. The F/EA owned resources must be compliant with industry standard physical and procedural safeguards (NIST SP 800-114, NIST SP 800-66, NIST 800-53A, ISO 17788, etc.) for confidential information (i.e., health information technology for economic and clinical health (HITECH), health insurance portability and accountability act (HIPAA) part 164).

11. Any F/EA use of flash drives or external hard drives for storage of LDH data must first receive written approval from LDH and upon such approval shall adhere to FIPS 140-2 hardware level encryption standards.

12. All F/EA utilized computers and devices must:

a. be protected by industry standard virus protection software that is automatically updated on a regular schedule;

b. have installed all security patches which are relevant to the applicable operating system and any other system software; and

c. have encryption protection enabled at the operating system level.

G. F/EAs shall, at a minimum:

1. demonstrate administrative capacity and the financial resources to provide all core elements of financial management services and ensure effective service delivery in accordance with state and federal requirements;

2. have appropriate F/EA staff attend trainings, as mandated by LDH;

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

4. assure that the F/EA will not provide both financial management services and support coordination or personal care services in Louisiana.

H. Abuse and Neglect. Fiscal employer agencies shall establish policies and procedures relative to the reporting of abuse, neglect, exploitation, and extortion of participants, pursuant to the provisions of R.S. 15:1504-1505, R.S. 40:2009.20 and any subsequently enacted laws. The F/EA shall ensure that staff complies with these regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1561 (September 2023).

§1131. Fiscal Employer Agent Requirements

A. The F/EA must comply with requirements for financial management services in self-direction including, but not limited to:

1. verifying qualifications of employers and support workers;

2. processing payroll, including applying applicable withholds and filing/paying all required state and federal income taxes;
3. disbursing payment to direct support workers;
4. setting up accounting records to track expenses;
5. setting up procedures for processing payroll and non-labor items;
6. maintaining all records related to the direct support worker's payroll, taxes, and benefits;
7. producing and sending required reports to LDH;
8. providing support to self-direction employers;
9. billing the LDH fiscal intermediary for Medicaid service claims and making refunds to LDH as appropriate;
10. resolving all billing discrepancies timely;
11. utilizing an LDH approved payroll calendar that addresses tax obligations; and
12. utilizing a system capable of capturing, recording, and tracking service, payroll, and tax information.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1562 (September 2023).

§1133. Transfers and Discharges

A. Participant has the right to choose among the F/EAs certified by LDH and enrolled in the Louisiana Medicaid Program. This includes the right to transition to another F/EA.

B. Upon notice by the participant or his/her authorized representative that the participant has selected another F/EA or the participant has decided to discontinue participation in the self-direction program, the F/EA is responsible for planning and facilitating the participant's transfer or discharge.

C. The F/EA shall facilitate transfer to another F/EA when it ceases to operate or its Medicaid enrollment is terminated.

D. The transfer or transition responsibilities of the F/EA shall include:

1. working with the F/EA selected by the participant to transition by ensuring the following documents/information are submitted to the new provider: participant/employer wages, federal employment identification number (FEIN), and state unemployment tax act (SUTA) account information including username and password;
2. ensuring that there is only one F/EA for a given employer at any time;
3. adhering to specific processes and procedures when transitioning a participant to a new F/EA in accordance with all federal, state, and local laws; and
4. documenting the activities that are required to transition the participant to the receiving F/EA.

E. The F/EA shall not coerce or attempt to influence the participant's choice of F/EA. Failure to cooperate with the participant's decision to transfer to another F/EA will result in adverse action by LDH.

F. If the F/EA ceases to operate, the F/EA must give LDH at least 60 days written notice of its intent to close.

1. The transition plan for all participants served by the F/EA shall be completed within 10 working days of the

notice to LDH of the F/EA's intent to close to minimize disruption of payroll services provided for employers.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1563 (September 2023).

§1135. Staffing Requirements

A. F/EAs must maintain sufficient staff to comply with LDH regulations and policies for the self-direction program. The F/EA shall:

1. employ at least one staff member with a bachelor's degree in accounting and five years of applicable experience, or a master's degree in accounting and two years of applicable experience, or a master's degree in accounting and two years of applicable experience;
2. must have on staff a database administrator and sufficient programmers to ensure that systems comply with program requirements and are flexible enough to accommodate changes to those requirements; and
3. must designate a project director who will have day-to-day authority to manage the overall operations.

a. The project director will be available to LDH by telephone, e-mail, and video conferencing during regular business hours.

B. In the event LDH determines that the F/EA staffing levels do not conform to the above requirements, LDH shall advise the F/EA in writing and the F/EA shall submit a corrective action plan within five business days. This plan shall describe how the deficiency(ies) will be remedied and is subject to LDH approval.

C. The F/EA shall ensure all staff supporting the self-direction program are not excluded from participating in the Medicaid program by confirming each staff's name and social security number are not included on the Louisiana adverse actions list and Office of Inspector General (OIG) exclusions list.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1563 (September 2023).

§1137. Employer Rights

A. Each F/EA's written policies and procedures, at a minimum, shall ensure the employer's right to:

1. confidentiality;
2. privacy;
3. impartial access to F/EA services regardless of race, religion, sex, ethnicity, or disability;
4. access to the interpretive services, translated material and similar accommodations as appropriate;
5. access to his/her records upon the participant's written consent for release of information;
6. an explanation of the nature of services to be received;
7. file a complaint or grievance without retribution, retaliation, or discharge;

8. have access to information related to tracking their budget and service balance; and

9. discontinue services with their F/EA and choose another F/EA.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1563 (September 2023).

§1139. Grievances

A. The F/EA shall establish and follow a written grievance procedure to be used to process complaints by employers, their family member(s), or a legal representative that is designed to allow employers to make complaints without fear of retaliation. The written grievance procedure shall be provided to the employer.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1564 (September 2023).

§1141. Electronic Visit Verification (EVV) Requirements

A. The F/EA must have an electronic visit verification (EVV) system in place that complies with the 21st Century Cures Act. The F/EA's EVV system must verify the type of service provided, the individual receiving the service, the individual providing the service, date of service, location of the service (geolocation), and time the service begins and ends.

B. Services may be verified via smart phone, telephony (landline from participant's home), or a fixed visit verification device in the participant's home. Other methods of verification may be submitted to LDH for consideration and approval.

C. The F/EA is responsible for ensuring the system used meets the requirements specified in the LDH attestation for third party EVV systems.

1. The system shall have the capability to interface with LDH's EVV system.

2. The F/EA's system and its interface shall pass testing required by the data integration process prior to go-live.

3. The F/EA will be required to collect electronic check in/check out information including geolocation data in accordance with state requirements.

D. The F/EA must provide a user-friendly EVV system, including an alternate method of collecting time should the EVV system becomes unavailable.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1564 (September 2023).

§1143. Employer Records

A. The F/EA shall store employer/employee records securely and protected in accordance with HIPAA requirements at the F/EA's place of business.

B. F/EAs shall maintain employer and employee records for at least six years or longer when required by state or federal law.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1564 (September 2023).

§1145. Emergency Preparedness

A. The F/EA, regardless of the architecture of its systems, shall develop and be continually ready to invoke an all hazards plan to protect the availability, integrity, and security of data during unexpected failures or disasters (either natural or man-made) to continue essential application or system functions during or immediately following failures or disasters.

B. The all hazards plan shall include a disaster recovery plan (DRP) and a business continuity plan (BCP). A DRP is designed to recover systems, networks, workstations, applications, etc., in the event of a disaster. A BCP shall focus on restoring the operational function of the organization in the event of a disaster and includes items related to information technology (IT), as well as operational items such as employee notification processes and the procurement of office supplies needed to do business in the emergency mode operation environment. The practice of including both the DRP and the BCP in the all hazards planning process is a best practice. At a minimum, the all hazards plan shall address the following scenarios:

1. the central computer installation and resident software are destroyed or damaged;

2. the system interruption or failure resulting from network, operating hardware, software, or operations errors that compromise the integrity of transaction that are active in a live system at the time of the outage; and

3. system interruption or failure resulting from network, operating hardware, software or operations errors that compromise the integrity of data maintained in a live or archival system.

C. The all hazards plan shall specify projected recovery times and data loss for mission-critical systems in the event of a declared disaster. The following minimum criteria are required:

1. system restoration within 24 hours;

2. two physical locations for maintaining data; and

3. backups of all system data every 24 hours.

D. The F/EA shall annually test its plan through simulated disasters and lower level failures in order to demonstrate to LDH that it can restore system functions. In the event the F/EA fails to demonstrate through these tests that it can restore system functions, the F/EA shall be required to submit a corrective action plan to LDH describing how the failure shall be resolved within 10 business days of the conclusion of the test.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1564 (September 2023).

§1147. Fiscal Employer Agent Monitoring

A. F/EAs shall be monitored on an on-going basis as outlined in the performance agreement.

B. F/EAs shall offer full cooperation with LDH during the monitoring process.

C. Responsibilities of the F/EA in the monitoring process include, but are not limited to, providing policy and procedure manuals, employer/employee records, and other documentation as requested.

D. F/EAs shall cooperate with any audit requests from state or federal agencies.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:1564 (September 2023).

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

Stephen R. Russo, JD
Secretary

2309#048

RULE

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

Inpatient Hospital Services
Out-of-State Hospitals
(LAC 50:V.2401 and 2403)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.Chapter 24 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 24. Out-of-State Hospitals

§2401. General Provisions

A. Effective for dates of service on or after September 20, 2023, payment will be made to out-of-state hospitals for provision of inpatient services which meet at least one of the following conditions:

1. medical services are needed because of a medical emergency;
2. medical services are needed and the beneficiaries' health would be endangered if they were required to travel to their state of residence;
3. the state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state; or
4. it is general practice for beneficiaries in a particular locality to use medical resources in another state.

B. Hospitals located in counties in Mississippi, Arkansas, and Texas that border the state of Louisiana are referred to as trade area hospitals.

C. Trade area hospitals that are unable to fully treat presenting Louisiana beneficiaries shall transfer patients to the Louisiana hospital within the closest proximity with available services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1565 (September 2023).

§2403. Reimbursement Methodology

A. Effective for dates of service on or after September 20, 2023, payment for all out-of-state inpatient services, other than organ transplants, shall be made at the Louisiana in-state prospective peer group rate in effect for the corresponding type of non-teaching hospital or specialty carve out service.

1. Separate prospective per diem rates will be paid for out-of-state inpatient services provided in acute care general hospitals, psychiatric hospitals and services, rehabilitation hospitals, long term acute care hospitals, children's hospitals, nursery services, neonatal intensive care services, pediatric intensive care services, and burn unit intensive care services.

B. Effective for dates of service on or after September 20, 2023, payment for inpatient organ transplant service provided by out-of-state hospitals shall be paid as follows:

1. 40 percent of allowable covered billed charges for beneficiaries ages 21 and above; or
2. 60 percent of allowable covered billed charges for beneficiaries under age 21.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1565 (September 2023).

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

Stephen R. Russo, JD
Secretary

2309#049

RULE

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

Managed Care for Physical and Behavioral Health
Hospital Directed Payments
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. Administration
Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3113. Directed Payments

A. - A.4.a. ...

b. The department reserves the right to discontinue the interim directed payments to any hospital whose projected recoupment due to shifts in utilization is greater than 50 percent of their estimated interim directed payments or any hospital who discontinues operations during or prior to the directed payment contract period.

5. - 7.a....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:264 (February 2023), amended LR 49:1566 (September 2023).

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

Stephen R. Russo, JD
Secretary

2309#050

RULE

Department of Health
Bureau of Health Services Financing

Professional Services Program
Physician Directed Treatment-in-Place Ambulance Services
(LAC 50:IX.1301, 1303, and 1305)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:IX.Chapter 13 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 1. General Provisions

Chapter 13. Physician Directed Treatment-In-Place Ambulance Services

§1301. General Provisions

A. Effective for dates of service on or after May 12, 2023, the Louisiana Medicaid Program provides coverage for initiation and facilitation of telehealth services by qualified Louisiana Medicaid enrolled ambulance providers.

B. Ambulance providers interested in offering physician directed treatment-in-place telehealth services must complete the following:

1. enroll as a CMS ET3 model participant;

2. enter into a partnership with a qualified, Louisiana Medicaid enrolled healthcare provider to furnish treatment-in-place telehealth services to Louisiana Medicaid beneficiaries; and

3. notify the Department of Health of its partnerships with each telehealth provider.

C. Reimbursement for initiation and facilitation of telehealth services shall be made according to the established physician directed treatment-in-place telehealth service fee schedule or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1566 (September 2023).

§1303. Scope of Services

A. Initiation and facilitation of physician directed treatment-in-place telehealth services are performed by Louisiana Medicaid enrolled ambulance providers on site, with no transport, using audio and video telecommunications systems that permit real-time communication between a qualified, Medicaid enrolled, licensed medical practitioner and the beneficiary.

B. All services provided by ambulance providers during the initiation and facilitation of the physician directed treatment-in-place intervention are covered by the associated BLS-E, emergency base rate, or the ALS1-E, Level 1 emergency base rate.

C. Ambulance providers are not eligible to submit a claim for reimbursement or receive payment for other services (except for supplies) at the scene.

D. If a beneficiary must be transported to an emergency department (ED) due to poor internet connection, which resulted in a failed physician directed treatment-in-place encounter, or the beneficiary's condition deteriorates, the ambulance provider may submit a claim for reimbursement and receive compensation for the transport to the ED, but not for initiation and facilitation of the telehealth service.

E. The entity seeking reimbursement for the corresponding physician directed treatment-in-place telehealth service must be an enrolled Louisiana Medicaid provider.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1566 (September 2023).

§1305. Reimbursement

A. Reimbursement to the ambulance providers for initiation and facilitation of the physician directed treatment-in-place telehealth service requires a corresponding treatment-in-place telehealth service. The corresponding treatment-in-place telehealth service is demonstrated via a Louisiana Medicaid paid treatment-in-place telehealth service claim.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:1566 (September 2023).

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

Stephen R. Russo, JD
Secretary

2309#051

RULE

Department of Transportation and Development Office of Operations

Toll Exemptions—Grand Isle School System Employees (LAC 70:XI.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in Title 17:426 of the Revised Statutes that the Department of Transportation and Development, Office of Operations, Tolling Section, has amended §101 of Part XI of Title 70 entitled "Exempt Entities" for the purpose of allowing and including the free and unhampered passage on the Louisiana Highway 1 Bridge to Grand Isle School System Employees when traveling to and from their workplace. This Rule is hereby adopted on the day of promulgation.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part XI. Louisiana Transportation Authority

Chapter 1. Toll Exemptions—LA 1

§101. Exempt Entities

A. - A.9.d. ...

10. Grand Isle School System Employees

a. The right of free passage for school employees employed by Grand Isle School System under the jurisdiction of the Jefferson Parish School Board shall be exercised only by means of automatic vehicular identification toll tags.

b. For each employee that will be utilizing an automatic vehicular identification toll tag, the appropriate school district shall submit a valid driver's license, vehicle registration certificate, and employment verification documentation.

c. Upon the submission of the requested documentation by the appropriate school district and payment of a deposit for a GeauxPass account, the department or its agents when so designated or authorized by the secretary of the department, shall issue the requested number of automatic vehicular identification toll tags for use in connection with the exemption from tolls.

d. The use of the automatic vehicular identification toll tags provided shall be limited to crossings made by school employees when traveling to and from their workplace on a scheduled work day, as prescribed by the school board, not to exceed two toll-free crossings in one day.

e. The appropriate school district shall be responsible for any crossing made using the automatic vehicular identification toll tag outside the scope of the exemption from tolls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:426, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Transportation Authority, LR 38:2380 (September 2012), amended by the Department of Transportation and Development, Office of Operations, LR 41:560 (March 2015), LR 44:347 (February 2018), LR 49:1567 (September 2023).

Eric Kalivoda
Secretary

2309#056

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Property Boundary Survey Plats, Maps and Legal Descriptions (LAC 46:LXI.729 and 2907)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Professional Engineering and Land Surveying Board has adopted LAC 46:LXI.729 and amended its rules contained in LAC 46:LXI.2907.

This is an adoption of a new Rule, as well as a revision of existing rules under which LAPELS operates. The new Rule memorializes the procedure for interested persons to request the adoption, amendment or repeal of a rule. The revision clarifies the requirements for property boundary survey plats, maps and legal descriptions. The anticipated effective date of this new Rule and these Rule amendments is the date of promulgation. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 7. Bylaws

§729. Petition for Adoption, Amendment or Repeal of Rule

A. An interested person may petition the board requesting the adoption, amendment, or repeal of a rule. The petition shall be made on a form provided by the board.

B. In its consideration of a petition, the board may request further information from the person who submitted the petition.

C. The board shall decide whether to grant or deny a petition within 90 days of its receipt of the petition. In making its decision, the board shall consider any information submitted with the petition and any other relevant information.

D. If the board denies a petition, it shall send written notice of its denial to the person who submitted the petition. The notice shall state in writing the reasons for the denial.

E. If the board grants a petition, it shall initiate rulemaking proceedings within 90 days of its receipt of

the petition, and it shall send written notice that rulemaking proceedings have been initiated to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:964.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 49:1567 (September 2023).

Chapter 29. Standards of Practice for Boundary Surveys

§2907. Property Boundary Survey

A. - F.7. ...

G. Plats and Maps. Every original plat or map of a property boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or map shall be prepared in conformity with the following guidelines.

1. - 13. ...

14. Each plat or map shall show the following:

a. - b. ...

c. section, township, range, land district, incorporated area or community, parish and state (as applicable);

d. vicinity map. A vicinity map will not be required if there are sufficient features and landmarks (officially named streets and street intersections, lots and blocks within a subdivision, adjoining subdivisions, Township-Range-Section lines, etc.) on the plat or map that would sufficiently enable a person to identify the location of the survey site;

e. date of the survey;

f. name, telephone number, mailing address and license number of the professional land surveyor and, if applicable, the firm who employs the professional land surveyor;

g. signature and seal of the professional land surveyor under whose responsible charge the survey was done;

h. scale, written and/or graphic;

i. north arrow, and it is recommended that the drawings be oriented so that north is toward the top of the sheet; and

j. legend for symbols and abbreviations used on the plat or map.

15. ...

H. Descriptions. A written legal description of the surveyed tract of land shall provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. - 2. ...

3. Every aliquot description shall contain the following basic information: aliquot part of section, township, range, land district, parish and state.

4. Every subdivision lot description shall also contain the following basic information: lot, block, unit (if applicable), name of subdivision, incorporated area or community (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "general description," shall indicate the general location of the property by naming the particular lot or block within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is

located, along with the section, township, range, land district, incorporated area or community (if applicable), parish and state. The second part, called the "particular description," shall logically compile and incorporate calls for the following:

5.a. - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 19:58 (January 1993), LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 33:2790 (December 2007), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 49:1568 (September 2023).

Donna D. Sentell
Executive Director

2309#030

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Fox/Coyote Hunting Preserve,
Purchase and Sale of Live Foxes and Coyotes,
Permitting Year-Round Coyote Trapping
(LAC 76:V.113)

The Wildlife and Fisheries Commission has amended §113. Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes, Permitting Year Round Coyote Trapping regulations relative to coyote/fox pens and associated activity definitions, permitting, licensee responsibilities, trap sizes, disease prevention and humane treatment of coyotes and foxes in the pens. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§113. Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes, Permitting Year Round Coyote Trapping

A. ...

B. Definitions

* * *

LDWF-Approved Applicant—a person who has no Class 3 or greater wildlife or fish violations during the past three years, who has a minimum of two years of trapping experience and who is at least 15 years old.

* * *

Licensee—any bona fide resident and lawful holder of an effective license duly issued under the authority of the department.

* * *

C. Licenses, Permits and Fees. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56.

1. An annual special permit may be issued to a Department of Wildlife and Fisheries approved applicant

[authority granted by Louisiana laws pertaining to Wildlife and Fisheries, R.S. 56:123(C)] for the trapping of coyotes only, outside of the annual trapping season. In order for the permittee to sell live coyotes, he must also possess a nongame quadruped breeder's license (R.S. 56:262.1) and a valid trapping license;

2. A nongame quadruped exhibitor's license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets the rules and regulations of the department;

3. A nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive.

D. General Rules

D.1. - D.4. ...

5. Licensees shall be required to make available to the game:

a. food that is palatable, uncontaminated and nutritionally adequate to ensure normal growth and maintenance;

b. water which is fresh, uncontaminated and available at all times.

D.6. - D.10. ...

11. Permittees (trapping coyotes during the closed trapping season) will be required to use only either a padded (4 9/16-6 1/2 inch inside jaw width at hinge posts), offset, laminated or wide (4 5/8-6 3/8 inch inside jaw width at hinge posts) or unmodified (5 inch inside jaw width at hinge posts) foot-hold trap, or a box-type trap, or a cable restraint with a relaxing lock.

D.12. - D.20. ...

21. Neurological or sick animals shall be humanely euthanized and shall not be moved or sold in an effort to prevent the spread of disease. Licensees shall be required to immediately report to the department the occurrence of any disease contracted by captive fox or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or Echinococcus infections.

22. Animals held under any non-game quadruped breeder, non-game quadruped exhibitor, or coyote trapping license shall not be physically altered, except for medical treatment by a Louisiana licensed veterinarian, or mutilated in any way.

E. - E.3. ...

F. Penalty for Violation. Violation of these regulations will be a Class 2 violation with the following exceptions.

1. Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors shall be a Class 3 violation (see §113.C.1, 2, 3 and D.2. of this Chapter).

2. Violation of the reporting requirements shall be a Class 3 violation (see §113E.1-3 of this Chapter).

3. Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class 4 violation (see §113.D.6-7 of this Chapter).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:262.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:205 (February 1991), amended LR 49:512 (March 2023), LR 49:1568 (September 2023).

Robert E. Shadoin
Secretary

2309#005

RULE

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

**Participation in the Deer Management Assistance Program
(LAC 76:V.111)**

The Wildlife and Fisheries Commission has amended the Deer Management Assistance Program (DMAP) regulations in an effort to change eligibility requirements for program participants within 5 miles of a Chronic Wasting Disease (CWD) detection. While participation is voluntary, DMAP tier 1 participants within 5 miles of a CWD positive detection will no longer be required to meet the 1,000 acre minimum. In addition, enrollment fees will be waived and enrollment may occur at any point during the current deer season due to a CWD detection. Participants will still be required to collect required biological data and may be required to submit CWD samples. Tier 1 DMAP will provide an avenue for season and bag limit liberalization while collecting biological data and disease surveillance samples. Also changed was the timeframe for submission of all DMAP harvest records and unused tags. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

**§111. Rules and Regulations for Participation in the
Deer Management Assistance Program**

A. The following rules and regulations shall govern the Deer Management Assistance Program.

1. Application Procedure

a. Application for enrollment of a new cooperator in the Deer Management Assistance Program (DMAP) must be submitted to the Department of Wildlife and Fisheries by August 1. Application for the renewal enrollment of an active cooperator must be submitted to the Department of Wildlife and Fisheries annually by September 1. Except lands enrolling in Tier 1 DMAP within 5 miles of a Chronic Wasting Disease (CWD) detection may enroll at any time during the current season.

b. Applicants will select from 1 of 4 levels of DMAP participation. Level 1 participation is limited to qualifying clubs of 1000 acres or more, unless the property is 40 acres or more and located within 5 miles of a CWD detection, and will require collection of complete harvest data, including jaw bone removal, weights, antler

measurements, and checking females for lactation. Level 1 participation may require the submission of CWD samples, per the Department's discretion, for properties within 5 miles of a CWD detection. Issuance of both antlered and antlerless tags will be mandatory. Level 2 participation is limited to clubs with 500 acres or more and will also require collection of complete harvest data. Antlerless tags only will be issued unless antlered tags are specifically requested and needed to meet harvest objectives. Level 3 participation will be for tracts of 40 acres or larger, and only require recording the total number of male and female deer harvested. Only antlerless tags are available. Licensed deer farmers authorized to hunt deer by Department of Agriculture and Forestry and Department of Wildlife and Fisheries are eligible to participate in this level. Level 4 participation will only require recording the total number of male and female deer harvested and is only available for nuisance deer issues such as crop or lawn depredation. Only antlerless tags will be issued. There is no acreage minimum for level 4.

c. Each application for a new cooperator must be accompanied by a legal description of lands to be enrolled and a map of the property. Renewal applications must be accompanied by a legal description and map only if the boundaries of the enrolled property have changed from records on file from the previous hunting season. This information will remain on file in the appropriate ecoregion field office.

d. Fee schedule:

i. tier 1—fee dependent on acreage and distance to a CWD detection:

- (a). 1,000-1,500 acres—\$250;
- (b). 1,501-10,000 acres—\$300;
- (c). 10,001-20,000 acres—\$500;
- (d). 20,001-50,000 acres—\$1,500;
- (e). 50,001-75,000 acres—\$2,500;
- (f). >75,000 acres—\$3,750 minimum, to be

negotiated;

(g). ≥40 acres or more and within 5 miles of a CWD detection—no fee;

ii. tier 2—fee dependent on acreage:

- (a). 500-1,500 acres—\$150;
- (b). 1,501-10,000 acres—\$200;
- (c). 10,001-20,000 acres—\$500;
- (d). 20,001-50,000 acres—\$1,500;
- (e). 50,001-75,000 acres—\$2,500;
- (f). >75,000 acres—\$3,750 minimum, to be

negotiated;

iii. tier 3—fee dependent on acreage:

- (a). 40-500 acres—\$100;
- (b). 501-1,500 acres—\$150;
- (c). 1,501-10,000 acres—\$200;
- (d). 10,001-20,000 acres—\$500;
- (e). 20,001-50,000 acres—\$1,500;
- (f). 50,001-75,000 acres—\$2,500;
- (g). >75,000 acres—\$3,750 minimum, to be

negotiated;

iv. tier 4—no acreage minimum, no fee.

e. DMAP fees must be paid to the Department of Wildlife and Fisheries Fiscal Section prior to September 15.

f. An agreement must be completed and signed by the official representative of the cooperator and submitted to the appropriate ecoregion field office for approval. This agreement must be completed and signed annually.

g. Entrances and public road frontage of lands enrolled in DMAP shall be clearly marked and posted with DMAP signs in compliance with R.S. 56:110 and the provisions of R.S. 56:110 are only applicable to property enrolled in DMAP. DMAP signs shall be removed if the land is no longer enrolled in DMAP. Rules and regulations for compliance with R.S. 56:110 are as follows.

i. The color of DMAP signs shall be orange. The words "DMAP" and "posted" shall be printed on the sign in letters no less than four inches in height. Signs may be constructed of any material and minimum size is 11¼ inches x 11¼ inches.

ii. Signs will be placed at 1000-foot intervals along any public road frontage and at all points of ingress and egress used by motorized vehicles to access the property.

h. By enrolling in the DMAP, cooperators agree to allow department personnel access to their lands for management surveys, investigation of violations and other inspections deemed appropriate by the department. The person listed on the DMAP application as the contact person will serve as the liaison between the DMAP cooperator and the department.

i. Each cooperator that enrolls in DMAP is strongly encouraged to provide keys or lock combinations annually to the enforcement division of the Department of Wildlife and Fisheries for access to main entrances of the DMAP property. Provision of keys is voluntary. However, the cooperator's compliance will ensure that DMAP enrolled properties will be properly and regularly patrolled.

j. Large acreage ownerships (>10,000 acres) may further act as cooperators and enroll additional non-contiguous tracts of land deemed sub-cooperators. Sub-cooperators shall be defined by the large acreage ownerships lease agreements. Non-contiguous sub-cooperator lands enrolled by large acreage ownerships will have the legal description and a map included for those parcels enrolled as sub-cooperators. Sub-cooperators shall be subject to the same requirements, rules and regulations as cooperators.

k. The department may grant season extensions to hunt deer with any legal weapon, up to either 15 days prior to or after the established season framework for the regular deer area season, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions. Additionally, the department may grant season extensions to hunt rabbits and squirrels by any legal means for up to 10 days after the established rabbit and squirrel season framework, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions.

2. Tags

a. A prescribed number of special tags will be provided by the department to each cooperator/sub-cooperator in DMAP to affix to deer taken as specified by the program participation level. These tags shall be used during all seasons. Tags are only authorized on DMAP lands for which the tags were issued.

b. Each hunter must have a tag in his possession while hunting on DMAP land in order to harvest an antlerless deer (or antlered deer if antlered deer tags are issued). Antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided a DMAP tag is possessed by the hunter at time of harvest. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported. The DMAP tag will remain with the deer so long as the deer is kept in the camp or field, is enroute to the domicile of its possessor, or until it has been stored at the domicile of its possessor, or divided at a cold storage facility and has become identifiable as food rather than as wild game. The DMAP number shall be recorded on the possession tag of the deer or any part of the animal when divided and properly tagged.

c. DMAP tagged antlered or antlerless deer harvested on property enrolled in DMAP do not count in the daily or season bag limit.

d. All unused tags shall be returned 30 days after the close of the season to the ecoregion field office which issued the tags.

3. Records

a. Cooperators/sub-cooperators are responsible for keeping accurate records on forms provided by the department for all deer harvested on lands enrolled in the program. Mandatory information includes tag number, sex of deer, date of kill, name of person taking the deer, LDWF i.d. number and biological data (age, weight, antler measurements, lactation) as deemed essential by the Department of Wildlife and Fisheries Deer Section. Biological data collection must meet quality standards established by the Deer Section. Documentation of mandatory information shall be kept daily by the cooperator/sub-cooperator. Additional information may be requested depending on management goals of the cooperator/sub-cooperator.

b. Information on deer harvested shall be submitted 30 days after the close of the season to the ecoregion field office handling the particular cooperator/sub-cooperator.

c. The contact person shall provide this documentation of harvested deer to the department upon request. Cooperators/sub-cooperators who do not have a field camp will be given 48 hours to provide this requested documentation.

B. Suspension and cancellation of DMAP Cooperators/Sub-Cooperators

1. Failure of the cooperator/sub-cooperator to follow these rules and regulations may result in suspension and cancellation of the program on those lands involved. Failure to make a good faith attempt to follow harvest recommendations may also result in suspension and cancellation of the program.

a. Suspension of cooperator/sub-cooperator from DMAP. Suspension of the cooperator/sub-cooperator from DMAP, including forfeiture of unused tags, will occur immediately for any misuse of tags, failure to tag any antlerless deer, or failure to submit records to the department for examination in a timely fashion. Suspension of the cooperator/sub-cooperator, including forfeiture of unused tags, may also occur immediately if other DMAP rules or wildlife regulations are violated. Upon suspension of the cooperator/sub-cooperator from DMAP, the contact person may request a Department of Wildlife and Fisheries hearing within 10 working days to appeal said suspension. Cooperation by the DMAP cooperator/sub-cooperator with the investigation of the violation will be taken into account by the department when considering cancellation of the program following a suspension for any of the above listed reasons. The cooperator/sub-cooperator may be allowed to continue with the program on a probational status if, in the judgment of the department, the facts relevant to a suspension do not warrant cancellation.

b. Cancellation of cooperator/sub-cooperator from DMAP. Cancellation of a cooperator/sub-cooperator from DMAP may occur following a guilty plea or conviction for a DMAP rule or regulation violation by any individual or member hunting on the land enrolled in DMAP. The cooperator/sub-cooperator may not be allowed to participate in DMAP for one year following the cancellation for such guilty pleas or conviction. Upon cancellation of the cooperator/sub-cooperator from DMAP, the contact person may request an administrative hearing within 10 working days to appeal said cancellation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:110.1 and R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:204 (February 1991), amended LR 25:1656 (September 1999), LR 26:2011 (September 2000), LR 30:2496 (November 2004), LR 34:1427 (July 2008), LR 35:1910 (September 2009), LR 37:2187 (July 2011), repromulgated LR 37:2753 (September 2011), amended LR 39:2292 (August 2013), LR 41:1123 (June 2015), LR 46:704 (May 2020), LR 47:605 (May 2021), LR 49:1568 (September 2023).

Robert E. Shadoin
Secretary

2309#006

Notices of Intent

NOTICE OF INTENT

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

Structural Pest Control
(LAC 7:XXV.Chapter 1)

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, propose to adopt additions to LAC 7:XXV.101, 107, 109, 117, 119, 123, 141, 147, 165 and 167. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The proposed Rule change is made in accordance with R.S. 3:3366, which gives the Structural Pest Control Commission the authority to adopt rules and regulations.

The proposed Rule changes clarify the definitions of construction, containment structure, employee, rule, and standard contract. The proposed Rule changes also add language to allow the commission staff to review the contents of an application to take the certification examination for licensure and approve or deny the applicant's application to take the examination. Further, throughout this section, the language "commission staff" is added to existing rules to provide clarification for who can do certain tasks. Additionally, the proposed Rule changes provide a deadline of six years for an applicant to take the license examination after receiving application approval for examination. There are no costs associated with applying to be approved to take the license examination.

The proposed Rule changes add that expired structural fumigation contracts should be held by the department for a two-year period. The proposed Rule changes add language to include "new construction" contracts. This language reflects what is currently in place for pre and post construction contracts but adds new construction, so the rules are consistent for all contract types. The proposed Rule changes update to current technology used by the department and remove receiving by fax and instead add submitting online. The proposed Rule changes add language under contracts for termite control work for inspection diagrams for all structures covered and sets a minimum threshold for termite control work damage repair warranties. This minimum amount was voted on by the commission, and is industry supported. The proposed Rule changes remove outdated language for fumigation, specifically "certified fumigation technician" which was previously removed from the rules, except this one which was missed.

Lastly, the proposed Rule changes make corrections to referenced statutes in the Chapter.

Title 7

AGRICULTURE AND ANIMALS Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission §101. Definitions

A. - B. ...

Construction—the act of building a structure from the start of the first stage of physical work until completion which is when a final inspection by an appropriate building inspector is completed.

Containment Structure—new and existing structures at bulk facilities that meet the design, construction materials and capacity requirements used to contain spills or leaks from stationary pesticide containers or pesticide dispensing activities.

a. - b. ...

Employee—any person employed by a permittee, working under the supervision of, and engaged in structural pest control work as defined in La. R.S. 3:3362. Excluded are: clerical, janitorial or office maintenance employees or those employees completely disassociated with performing structural pest control work.

Rule—as defined in R.S. 49:951(8).

Standard Contract—see definition of "contract" in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:1541 (November 2020), LR 47:1100 (August 2021), LR 48:2728 (November 2022), LR 49:

§107. License to Engage in Structural Pest Control Work Required

A. - B.1.c. ...

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

2. - 2.c. ...

d. four years of experience within the last six years as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations and complete a commission approved comprehensive termite program. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff;

3. - 3.c. ...

d. four years of experience within the last six years, having completed 30 jobs in structural fumigation as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff.

C. - C.3. ...

4. four years of experience, having completed 200 jobs in ship fumigation within the last six years as a technician under the supervision of a structural pest control operator in another state in ship fumigation. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff.

D. - F.1. ...

2. be approved by the commission or commission staff to take the examination for licensure;

3. ...

G. Out-of-state applicants for licensure shall meet the educational requirements shown in Paragraph B.1 of this Section or produce evidence satisfactory to the commission or commission staff of four years of experience within the last six years, under the supervision of a recognized and reputable pest control operator. Experience in pest control work in another state will be verified with the appropriate regulatory agency of the other state before out-of-state applicant will be allowed to take the examination for licensure in Louisiana.

H. Commission staff shall review each application for licensure. Commission staff may verify the contents of any application prior to taking final action to approve/disapprove the applicant to take the examination. Commission staff may disapprove an applicant, or defer action on the application to take the examination, in any instance with the contents of the application cannot be verified. Commission staff may defer an application for licensure to the commission for further review.

I. If commission staff defers review of the application for licensure to the commission, the commission shall consider each application for examination for licensure in open session. The commission may verify the contents of any application prior to taking final action to approve/disapprove the applicant to take the examination.

The commission may disapprove an applicant, or defer action on the application to take the examination, in any instance when the contents of the application cannot be verified. Action to grant/deny approval for the applicant to take the examination shall be taken only upon the affirmative vote of three members of the commission. No license shall be issued until the commission has approved the application.

J. All applicants who are approved by the commission or commission staff will, upon successfully completing the examination for licensure as set forth in §109 of this Chapter hereof, receive a single license to engage in structural pest control work, which license shall specify on the face thereof the specific phase or phases of structural pest control work for which the license is issued, as follows:

1. general pest control;
2. commercial vertebrate control;
3. termite control;
4. structural fumigation;
5. ship fumigation;
6. commodity fumigation.

K. A license to engage in structural pest control work is permanent unless suspended or revoked by the commission as provided in §131 of this Chapter.

L. A licensee shall perform or supervise structural pest control work only in the phase or phases of the license for which he is licensed by the commission.

M. Each license is personal to the holder and shall not be transferred to another for any purpose or for any period of time and may not be utilized in any way by any person other than the licensee whose name appears on the face of the license.

N. All licenses shall be displayed at the place of business at all times.

O. The commission may deny a license to any person proven to have committed any of the violations set forth in §127 of this Chapter hereof.

P. A licensee approved in one phase of pest control work may be licensed in additional phases by successfully completing the examination for the additional phase. However, the license for additional phase or phases of structural pest control work shall not be issued until the commission or commission staff approves the licensee to take the examination for the additional phase or phases.

Q. Any permittee\licensee utilizing telephone answering services and/or call centers other than at locations holding a place of business permit shall submit written notification to the department.

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

S. When a license phase has not been recertified, the licensee shall comply with all requirements for initial licensing contained in §107 and §109 of this Chapter or in a written request to the department to retest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences,

Structural Pest Control Commission, LR 31:2761 (November 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 37:276 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, 308 Structural Pest Control Commission, LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 48:2728 (November 2022), LR 49:

§109. Application for Examination; Contents of Application

A. ...
B. A complete application for examination shall be filed in the commission office.

C. Each applicant for examination shall pay a nonrefundable fee of \$50 per examination upon the approval of the applicant's application for examination.

D. - D.3. ...
4. ...
a. upon request of the commission or commission staff, the applicant shall submit from the said supervising licensee, a written statement that the jobs have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work;

b. ...
c. if at the time of application, the licensee who provided supervision is deceased, his whereabouts are unknown, or fails or refuses to supply the statement, affidavit, or both, required under Subparagraphs a. and b. above, then the commission or commission staff may waive the requirements for such statement, affidavit, or both upon:

i. ...
ii. verification by commission staff of the applicant's experience in pest control work.

E. Any applicant who is not approved by the commission or commission staff to take the examination will be notified of the commission's or commission staff's decision. An applicant who has not been approved to take an examination will not be admitted to the examination.

F. ...
G. Once the application has been approved by the commission or commission staff, examinations for a structural pest control license will be given upon request of the applicant at a department approved location, during business hours. Requests for exams shall be made at least seven days in advance and will be scheduled based on availability.

H. - K. ...
L. The approval of an application for examination is valid for six years. If the applicant does not take the license examination or fails to pass the license examination within six years from the date of application approval, the applicant must reapply according to requirements set forth in this Section and §107 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry,

Structural Pest Control Commission, LR 15:955 (November 1989), LR 35:206 (February 2009), LR 37:278 (January 2011), LR 48:2728 (November 2022), LR 49:

§117. Obligations of the Licensee/Permittee

A. - G. ...
H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of Title 7, Part XXV 311 *Louisiana Administrative Code* April 2023 pesticides and inspections for wood destroying insects on a record keeping form or in a format approved by the director of pesticide and environmental programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control, and a period of two years after the expiration of applicable contracts for termite control and structural fumigation. The licensee shall make a copy of these records available to any employee of the department for inspection during normal working hours within 48 hours upon notification, excluding legal holidays.

H.1. - Q. ...
AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 44:1236 (July 2018), LR 46:1541 (November 2020), LR 49:

§119. Contracts for Termite Control Work

A. - A.4. ...
5. include inspection diagram(s) indicating all structure(s) covered;

6. ...
7. include a damage repair warranty for not less than \$25,000 and be exclusive to the property owner for five years subject to the terms and conditions of the contract, if the contract is for pre-construction or new construction termite treatment.

B. - G.5. ...
AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3370.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:2437 (November 2000), LR 27:1179 (August 2001), LR 27:2084 (December 2001), LR 28:1171 (June 2002), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 30:1144 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended

by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 35:1468 (August 2009), LR 37:282 (January 2011), LR 46:1541 (November 2020), LR 49:

§123. Change in Status of Licensee

A. Any change in a licensee's status (e.g., death, retirement, prolonged illness, merger of companies, sale, change of ownership, etc.) shall be reported to the department, in writing, within 14 days after the change in status occurs by the permittee or primary licensee.

B. When any change in status occurs, provisions shall be made for supervision at any location where there is no licensee during the interim until another licensee is approved by the commission or commission staff for examination. The person in charge of the permitted location where the change in status occurred shall notify the department, in writing, of the name and address of the licensee providing supervision during the interim within 14 days after the change occurs. Supervising licensee shall notify the department of his acceptance of this supervision within 14 days of his acceptance.

C. When the change in status results in no licensee being domiciled at a permitted location, an applicant who is eligible for licensure shall be approved by the commission or commission staff for examination either:

C.1. - D. ...

E. When the death or disability of a licensee occurs, resulting in no licensee being domiciled at the permitted location, the commission or commission staff may extend the period for qualifying a new licensee for an additional 90 days before revoking or canceling the permit for operation.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 37:283 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 49:

§141. Minimum Specifications for Termite Control Work

A. - B.5. ...

6. Within 12 months of an initial supplemental treatment for a new construction contract, the perimeter shall be trenched and treated. The permittee or primary licensee shall report the completion of the perimeter trench and treat to the department on the termite perimeter application form no later than the tenth day of the month after the date of the perimeter application.

7. All new construction and post construction liquid trench and treat applications shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E.

C. - I.3. ...

4. Within 12 months of any supplemental treatment for a new construction contract, bait stations shall be installed. The permittee or primary licensee shall report the completion of the bait station installation to the department on the termite perimeter application form in accordance with R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E.

5. Above-ground bait stations shall be used according to their label and labeling when the presence of subterranean termites are detected in the contracted structure and shall be monitored not less than quarterly.

6. All bait stations shall be monitored\inspected according to the label and labeling.

7. Monitoring and ground bait stations shall surround the contracted structure and shall not be more than 20 feet apart, where soil is available unless the label requires stations closer and\or does not allow for "where soil is available."

8. Monitoring and ground bait stations, where soil is available, shall be no further than 20 feet from the slab or pier's outside perimeter except for non-structural wood elements including but not limited to trees, stumps, wood piles, landscape timbers and detached fences.

9. Records of contracts, inspection diagrams, monitoring, and bait applications shall be kept according to LAC 7:XXV.117.H.4.

10. A consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

11. All monitoring and bait stations shall be removed by the pest control operator from the contracted property within 90 days of the termination of the contract, unless denied access to the property. In the event the bait and baiting system manufacturer stops the use by the pest control operator of their bait and baiting system; all monitoring and bait stations shall be removed by the pest control operator from the contracted property within 90 days of the stop use notification, unless denied access to the property.

J. - J.2. ...

3. All combination liquid spot and baits and baiting systems treatments shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.D and pay the fee as described in LAC 7:XXV.119.E.

4. Within 12 months of any supplemental treatment for a new construction contract, bait stations shall be installed. The permittee or primary licensee shall report the completion of the bait station installation to the department on the termite perimeter application form in accordance with R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E .

5. Records of contracts, inspection diagrams, monitoring (if required), and applications shall be kept according to LAC 7:XXV.117.I. At termination of the contract, the pest control operator shall remove all components of bait and baiting systems. Title 7, Part XXV 323 Louisiana Administrative Code April 2023

6. All structures that cannot be treated according to the combination liquid spot and bait and baiting systems treatment minimum specifications shall have a waiver of the listed item or items signed by the owner prior to the baiting treatment.

7. A bait and baiting systems consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

8. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction shall bait following the label and labeling and liquid spot treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of live subterranean termite infestation site(s) around the perimeter of the structure, adjacent to the foundation wall. All trenches shall be approximately 4 inches wide at the top, angled toward the foundation and sufficiently deep (minimum 6 inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable only where trenching will damage irrigation equipment, utility equipment, flowers and/or shrubs. Maximum distance between rod holes shall be 4 inches.

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.J.7.a. When the abutting slab is drilled, the holes shall be no more than 18 inches apart, unless label requires closer distance along the above stated areas.

c. Treat bath trap(s) as per label and labeling. Bath trap(s) access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing.

i. If the soil in a trap does not reach the bottom of the slab, the trap shall be filled to within 2 inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

ii. A tar filled bath trap shall also be drilled and treated as required by label and labeling.

iii. If bath trap is solid concrete pore, it shall be drilled and treated as close as practical to the bathtub plumbing.

d. All showers shall be drilled and treated as close as practical to shower plumbing according to label and labeling.

e. All other openings (plumbing, etc.) shall be treated as required by label and labeling.

f. In lieu of trench and treat, a commission approved method of hydraulic injection shall be used in conjunction with an approved termiticide with label and labeling for hydraulic injection use. Hydraulic injection shall be performed around the slab to form a treatment zone.

9. Combination liquid spot and bait and baiting systems treatments of existing pier-type construction with live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of infestation site(s) on brick/block chain wall(s) and all piers within 10 feet of an infested pier or chain wall. Trench, drill, and treat as required in LAC 7:XXV.141.

b. Above-ground bait stations shall be monitored not less than quarterly.

c. In lieu of trench and treat, a commission approved method of hydraulic injection shall be used in conjunction with an approved termiticide with label and labeling for hydraulic injection use. Hydraulic injection shall be performed around the slab to form a treatment zone.

10. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction and pier-type construction without live subterranean termite

infestation(s) shall bait following the label and labeling and liquid treat as required in LAC 7:XXV.141.J.7.c - e.

11. Whenever any property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator shall treat the property according to the minimum specifications as stated in LAC 7:XXV.141.J.

K. - L.4. ...

5. The treatments of structures required in this Section shall be submitted by online form or called in to the department's district office in which the treatment occurs, a minimum of one hour prior to beginning the application of termiticides. The information provided shall include: treatment company name; treatment structure street address, city, parish; directions to the property being pre-treated; date and time of beginning the application of termiticides to the property; square or linear footage of the each structure to be treated; and number of structures. Permittees or licensees shall keep a log of all pretreats including the information noted. The following is a list of parishes in each of the department's eight district offices. Treatments in a parish shall be called into the corresponding district office:

L.5.a. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:1542 (November 2020), LR 47:1100 (August 2021), LR 48:994 (April 2022), LR 48:994 (April 2022), LR 48:2729 (November 2022), LR 49:

§147. Fumigation

A. - C.2. ...

D. Requirements for Commodity Fumigation. A licensed fumigator shall:

D.1. - D.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 17:251 (March 1991), LR 37:293 (January 2011), LR 44:1237 (July 2018), LR 46:1542 (November 2020), LR 49:

§165. Requests for Adoption, Amendment, or Repeal of a Rule

A. Any interested person may, pursuant to R.S. 49:964, request the commission to adopt, amend, or repeal a rule (rule change) that the commission has the authority to make.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 49:953(C).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:303 (February 2013), LR 49:

§167. Procedure for Declaratory Orders and Rulings

A. This rule provides for the filing and prompt disposition of requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability of any rule or order of the commission, as required by R.S. 49:977.4 and 49:968(D).

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, R.S. 49:962 and R.S. 49:963(D).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:304 (February 2013), LR 49:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable impact on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small business as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Kelly Moore, Director, Structural Pest Control, Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3000, LA 70806, and must be received no later than 4 p.m. on October 10, 2023. All written comments must be signed and dated.

Public Hearing

A public hearing will be held on Wednesday, October 25, 2023, at 9:30 a.m. in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Kelly Moore at the address given above in the Public Comments section or at (225) 952-8042.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Structural Pest Control**

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

The following proposed Rule change is not anticipated to have any costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF), other than the cost of promulgation for FY 24, which is normally included in the agency's annual operating budget.

The proposed Rule change updates and clarifies existing rules by amending language, including the following:

1. Clarifies the definitions of construction, containment structure, employee, rule, and standard contract;
2. Adds language to allow the Commission staff to review the contents of an application, to take the certification examination for licensure and approve or deny the applicant's application to take the examination. Further, throughout this section, the language "commission staff" is added to existing rules to clarify who can do certain tasks;
3. Provides a deadline of six (6) years for an applicant to take the license examination after receiving application approval for examination. There are no costs associated with applying to be approved to take the license examination;
4. Adds that expired structural fumigation contracts should be held by the department for a two-year period;
5. Adds language to include "new construction" contracts. This language reflects what is currently in place for pre- and post-construction contracts but adds new construction, so the rules are consistent for all contract types;
6. Updates references to current technology used by the department and removes receiving by fax and instead adds submitting online;
7. Adds language under contracts for termite control work for inspection diagrams for all structures covered and sets a minimum threshold for termite control work damage repair warranties. This minimum amount was voted on by the commission, and is industry supported;

8. Removes outdated language for fumigation, specifically "certified fumigation technician" which was previously removed from the rules, except this one which was missed; and
9. Makes corrections to referenced statutes in the chapter.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed Rule changes are not anticipated to have any effect on revenue collections of state or local governmental units because these proposed Rule changes are clarifications and updates to existing rules by amending language, so no revenue increase or decrease is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed Rule changes will not directly affect persons, small businesses, or non-governmental groups, and are not anticipated to increase or decrease costs to the market.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed Rule changes are not anticipated to influence competition or employment.

Dane Morgan
Assistant Commissioner
2309#037

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Children and Family Services Division of Family Support

Thrive: The Baby and Parent Network
(LAC 67:III.5507, 7101, 7103, 7105, 7117, and 7131)

The Department of Children and Family Services (DCFS), Division of Family Support, has exercised the provision of the Administrative Procedure Act, R.S. 49:961 to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5507 Thrive: The Baby and Parent Network; and Subpart 21 Thrive: The Baby and Parent Network, Chapter 71 Thrive: The Baby and Parent Network.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Section 5507 and Subpart 21, Chapter 71 is required to adopt and administer a continuum of care program for certain pregnant women and parents, hereafter called the Thrive: The Baby and Parent Network. The purpose of the program is to facilitate the operation of a statewide telecare support network that provides community outreach, consultations, and care coordination for pregnant women and parents that encourage healthy childbirth, support childbirth as an alternative to termination of pregnancy, promote family formation, assist parents in establishing successful parenting techniques, and increase the economic and self-sufficiency of families.

This action was made effective by an Emergency Rule dated and effective July 1, 2023.

Title 67 SOCIAL SERVICES Part III. Economic Stability

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5507. Thrive: The Baby and Parent Network

A. The department shall enter into contract(s) to facilitate the operation of a statewide telecare support network that provides community outreach and direct services including, but not limited to, consultations, supports, social services case management, referrals, and care coordination for pregnant women and parents.

B. These services meet TANF Goal 4, encourage the formation and maintenance of two-parent families, by providing care plans and case management to assist families in addressing the challenges of pregnancies and parenting.

C. Eligibility for services is limited to Louisiana resident(s) who are the parent of an unborn child or a child under two years of age.

D. Medical services are prohibited, including but not limited to the provision of medically accurate, pregnancy-related medical information to program participants.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subpart 21. Thrive: The Baby and Parent Network Chapter 71. Thrive: The Baby and Parent Network Subchapter A. Program Administration

§7101. General Authority

A. From federal funds, state funds, and/or other funds made available for this purpose, the department is hereby authorized to establish a continuum of care program for certain pregnant women and parents, hereafter called the "Thrive: The Baby and Parent Network."

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

§7103. Program Administration

A. The administration of the Thrive: The Baby and Parent Network will be administered by the department through contracts with outside entities in accordance with the Louisiana procurement code, R.S. 39:1605-1736.

B. To the extent that appropriations are available, the secretary may establish and make available to eligible families the Thrive: The Baby and Parent Network.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

§7105. Eligible Organizations

A. In order to receive funding, an entity must:

1. be a public or private nonprofit organization;

2. have the capacity and provide assurances to deliver services exclusively through electronic means;

3. acknowledge and certify that they are not an entity that:

a. performs, refers for, or assists with termination of a pregnancy; or

b. sets appointments with or refers women or parents to any entity that performs or recommends for termination of a pregnancy.

4. allow and agree that:

a. department personnel will make annual on-site programmatic contract reviews. The department, at its discretion, may make more than one programmatic visit per year. These site visits will be conducted for compliance with contractual requirements; and

b. the entity grants to the Office of the Legislative Auditor, the Office of the Inspector General, the department's Bureau of Audit and Compliance Services, the federal government, and any other officially designated authorized representatives of the department the right to audit, inspect, and review all books and records pertaining to services rendered under their contract with the department and the right to conduct on-site monitoring.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subchapter B. Eligibility

§7117. Conditions of Eligibility

A. Eligibility for services is limited to Louisiana residents who at the time of initial contact are the parent of either an unborn child or a child that is under two years of age, including a program participant whose pregnancy is involuntarily ended due to medical reasons.

B. Any program participant who voluntarily terminates a pregnancy is eligible to continue receiving services through the program for a period of six months from the date of the pregnancy termination.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Subchapter C. Services

§7131. Services

A. Services include, but are not limited to:

1. outreach to at-risk populations eligible for the program;

2. utilization of registered nurses, who are licensed in accordance with R.S. 37:911 et seq., to perform the following functions:

a. assessment and evaluation of needs related to pregnancy or parenting; and

b. provision of medically accurate, pregnancy-related medical information to program participants.

3. utilization of social workers, who are licensed in accordance with R.S. 37:2701 et seq., or other licensed individuals with equivalent experience to perform the following functions:

a. development of a care plan, resources, and support for program participants to address identified needs;

b. referrals to appropriate local resources including, without limitation, state and federal benefits programs and local charitable organizations;

c. assistance in applying for state and federal benefits programs; and

d. assistance in accomplishing elements of the care plan.

4. coordination for pregnant women served by the telecare support network of appointments with in-person pregnancy resources centers or similar agencies in this state which provide information and services including, without limitation, counseling, ultrasound services, pregnancy tests, prenatal assistance, parenting classes, material support, and adoption information.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. This Rule is anticipated to help encourage the formation and maintenance of resilient families by providing care plans and case management to assist families in addressing the challenges of pregnancies and parenting.

Poverty Impact Statement

The proposed Rule is not anticipated to have a significant negative impact on poverty as described in R.S. 49:973. This Rule is anticipated to increase the economic and self-sufficiency of families by addressing the challenges of pregnancies and parenting applicants face and providing them with resources and parenting skills to improve their future outcomes.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act. 5 U.S.C. 601-612.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, October 26, 2023, to Ashley Sias, Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

Public Hearing

A virtual public hearing on the proposed Rule will be held at 10:00 a.m. on Thursday, October 26, 2023, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateofladcfs.zoom.us/j/81385139157?>; via telephone by dialing (713) 353-0212 and entering conference code 1430033. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=USA7133530212&accessCode=430033>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Terri Porche Ricks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Thrive: The Baby and Parent Network**

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

The proposed rule change is anticipated to increase Department of Children and Family Services (DCFS) expenditures by approximately \$1 M per year associated with contracting with a nonprofit organization to provide community outreach, consultations, and care coordination for pregnant women and parents.

In compliance with Act 561 of the 2022 RLS, the DCFS proposes to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5507 Thrive: The Baby and Parent Network and Subpart 21 Thrive: The Baby and Parent Network. Specifically, the rule establishes the framework for the network, eligibility criteria for providers and recipients, and provides a list of permissible services.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule is not anticipated to have an economic cost or benefit to individuals, small businesses or non-governmental groups. This rule adopts the Thrive: The Baby and Parent Network, which is anticipated to provide parenting resources for those participating in the program who face the challenges of pregnancy and parenting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Ashley Sias
Assistant Secretary
2309#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Economic Stability Section**

Recovery of Overpayments, Standard Medical Deduction, Claims against Households, and Simplified Reporting (LAC 67:III.1503, 1962, 2005, 2013, 5383, and 5741)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:961, the Department of Children and Family Services (DCFS) proposes to amend the *Louisiana Administrative Code* (LAC), Title 67, Part III Economic Stability.

Pursuant to the authority granted to the department by the Food and Nutrition Act of 2008 in accordance with federal regulations for the Supplemental Nutrition Assistance Program (SNAP) in 7 CFR, the department considers this amendment necessary to clarify or adopt rules that govern the SNAP. The department finds the adoption of the Standard Medical Deduction to streamline the process, improve the client experience, and ensure accurate benefit amounts for elderly/disabled households. The department finds the amendment to the claims threshold necessary in order to decrease the administrative burden of eligibility

workers and to increase and align the claims threshold for participating and non-participating households. The department finds this amendment to Simplified Reporting necessary in order to allow certain SNAP households included in Simplified Reporting to be certified for 36 months.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, the department considers amendments to Section 1503 and 5383, and adoption of Section 5741 necessary to facilitate the expenditure of TANF funds for Family Independence Temporary Assistance Program (FITAP), Kinship Care Subsidy Program (KCSP), and Strategies to Empower People (STEP). The department finds these amendments necessary to govern the recovery of overpaid benefits to align with SNAP programmatic rules.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 2. Family Independence Temporary Assistance Program

Chapter 15. General Program Administration

Subchapter C. Recovery

§1503. Recovery of Overpayments

A. All FITAP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998), LR 27:428 (March 2001), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability Section, LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1440 (October 2019), LR 49:

Subpart 3. Supplemental Nutrition Assistance Program (SNAP)

Chapter 19. Certification of Eligible Households

Subchapter I. Income and Deductions

§1962. Standard Medical Deduction

A. Effective April 1, 2023, elderly/disabled households with verified medical expenses of \$35.01 or more may receive a Standard Medical Deduction.

AUTHORITY NOTE: Promulgated in accordance with applicable Sections of 7 CFR and R.S. 36:474, P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 49:

Subchapter P. Recovery of Over-Issued SNAP Benefits

§2005. Claims against Household

A. All adult household members are jointly and severally liable for the value of any over-issuance of benefits to the household. This is true regardless of whether the over-issuance resulted from inadvertent error, an administrative error or an intentional program violation.

B. Action will not be taken to recover claims which are less than \$350 for inadvertent household error or an administrative error for participating and nonparticipating households.

C. This threshold does not apply to claims which are determined to be the result of intentional program violation, or to errors which are discovered in a quality control review.

D. The threshold for claims discovered in a quality control review is claims that meet or exceed the QC error threshold.

AUTHORITY NOTE: Promulgated in accordance with F.R. 48:6837 et seq., P.L. 97-35,97-253, 101-624 §1746, and 102-237 §911, 7 CFR 272,273, 276 and 277, P.L. 103-66, P.L. 104-193, P.L. 104-134, 7 CFR 3 Subpart B, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:323 (May 1983), amended by the Department of Social Services, Office of Family Support, LR 18:1133 (October 1992), LR 20:899 (August 1994), LR 21:189 (February 1995), LR 22:584 (July 1996), LR 23:83 (January 1997), LR 23:1710 (December 1997), LR 24:2326 (December 1998), LR 27:1017 (July 2001), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2533 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1442 (October 2019), LR 49:

Subchapter R. Simplified Reporting

§2013. Simplified Reporting

A. - B.3. ...

C. Households included in simplified reporting will be assigned a certification period of 12 or 36 months.

D. All households in simplified reporting with the exception of those households eligible under the Elderly Simplified Application Project rules are required to:

D.1. - H. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a), P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:867 (June 2001), amended LR 28:103 (January 2002), LR 29:607 (April 2003), LR 35:689 (April 2009), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2534 (November 2010), LR 46:1222 (September 2020), LR 49:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter C. Recovery

§5383. Recovery of Overpayments

A. All KCSP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March 2001), amended LR: 34:2678 (December 2008), amended by the Department for Children and Family Services, Economic Stability Section, LR 39:2193 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1443 (October 2019), LR 49:

Subpart 16. Strategies to Empower People (STEP) Program

Chapter 57. Strategies to Empower People (STEP) Program

Subchapter D. Recovery

§5741. Recovery of Overpayments

A. All Kinship Care Subsidy Program (KCSP) overpayments shall be subject to collection, either by recoupment or recovery, with the exception of inadvertent household error claims and administrative error claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed Rule is anticipated to have a positive impact on earnings and family budgeting as lengthening certification periods should result in households having access to SNAP benefits for longer time periods. The proposed Rule is anticipated to increase the ability of families to participate in SNAP. The proposed Rule is expected to reduce barriers that elderly and disabled households encounter when participating in SNAP due to the complexity of the application process and issues associated with age, transportation, mobility, and disability. This population is the most vulnerable, and they have the least access and ability to keep up with current technology. Applicants will be able to take advantage of the program for a longer period because of the reduced administrative burden. By extending the certification period, eligibility workers at DCFS will have a reduced burden as recertification will not occur as often.

Poverty Impact Statement

The proposed Rule is not anticipated to have a significant negative impact on poverty as described in R.S. 49:973. The proposed Rule is anticipated to increase access to SNAP for an extended period of time. Increased access to SNAP allows households the opportunity to purchase nutritious foods which may lead to an improved diet resulting in healthier Louisianans and decreased health care costs.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, October 26, 2023, to Ashley Sias, Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

Public Hearing

A virtual public hearing on the proposed Rule will be held at 9:00 a.m. on October 26, 2023, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateoflacfcs.zoom.us/j/81921020562>; via telephone by dialing (713) 353-0212 and entering conference code 1430033. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=USA7133530212&accessCode=430033>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Terri Porche Ricks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Recovery of Overpayments,
Standard Medical Deduction, Claims against
Households, and Simplified Reporting**

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

Other than publication costs associated with the proposed rule changes, which are estimated to be \$1,491, it is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule.

Pursuant to Louisiana’s Temporary Assistance for Needy Families (TANF) Block Grant, DCFS proposes to amend LAC 67:III, Family Support, Sections 1503 and 5383 and adopt Section 5741 related to TANF, Family Independence Temporary Assistance Program (FITAP), Kinship Care Subsidy Program (KCSP), and Strategies to Empower People (STEP).

Specifically, the proposed rule does the following: (1) increases the threshold from \$125 to \$350 for certain FITAP, SNAP, KCSP, and STEP overpayments that shall be subject to recovery, (2) provides that certain SNAP households with medical expenses of at least \$35.01 may receive a standard medical deduction, and (3) extends the certification period from 12 months to 36 months for certain SNAP households.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

Implementation of this proposed rule may impact benefit recipients that received certain overpayments. If the overpayment is less than \$350, it will not be subject to collection by DCFS. Collectively, this rule is anticipated improve the application process and provide better customer service to applicants and benefit recipients.

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

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Ashley Sias
Assistant Secretary
2309#032

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Entertainment Industry Development**

**Motion Picture Production Tax Credit Program
(LAC 61:I.Chapter 61)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development proposes to amend the rules for the Motion Picture Production Tax Credit Program (LA R.S. 47: 6007, et seq.) to better align the rules with current statutory provisions and administrative practices, as required by Act 411 of the 2023 Regular Session of the Louisiana Legislature.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the

Secretary of Revenue

**Chapter 61. Motion Picture Production Tax Credit
Program**

§6105. Definitions

A. - B. ...

Commencement of Production—Repealed.

Cost Report Submission Deadline—the date detailed in the initial certification letter by which a cost report shall be submitted to LED, after which time all such claims to tax credits shall be deemed waived.

Developer—Repealed.

Indirect Costs—costs of operation that are not directly associated with a state certified production, such as clerical salaries, general administrative costs and other overhead charges.

Legacy Tax Credit Reservation—is a provisional allocation of tax credits in a given fiscal year, as evidenced by an initial certification letter issued prior to July 1, 2023, that has not expired or been released in accordance with the provisions of §6107.

Production Expenditures—preproduction, production and postproduction expenditures directly incurred in this state that are directly used in a state-certified production, whether the production company directly contracts or subcontracts such work, including without limitation the following:

a. - j. ...

k. payments to a loan-out or personal services corporation for the services of an out-of-state hire are allowed as long as the services are performed in Louisiana on a state certified production and all withholding requirements are met.

l. - m. Repealed.

Production Facility—Repealed.

Program Issuance Cap—for applications submitted on or after July 1, 2017 and prior to July 1, 2023, the office may issue no more than \$150,000,000 in tax credits (“total cap”)

in any fiscal year, with \$7,500,000 reserved for qualified entertainment companies (“QEC cap”), \$7,500,000 reserved for Louisiana screenplay productions (“LA screenplay cap”), \$15,000,000 reserved for independent film productions (“independent film cap”), with the remaining \$120,000,000 available for general allocation to any state certified production (“general cap”); for applications received on or after July 1, 2023, the office may issue no more than \$150,000,000 in tax credits in any fiscal year.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:2102 (November 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:869 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1495 (June 2022), LR 48:1915 (July 2022), LR 49:

§6107. Certification Procedures

A. - A.3. ...

B. Qualification. The office and the secretary shall determine whether a production qualifies for certification, by meeting all requirements of R.S. 47:6007 and these regulations, and taking the following factors into consideration:

1. - 3. ...

C. Initial Certification

1. Application Review Process and Reservation of Tax Credits

a. Project-Based Production Tax Credit—For Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications submitted on or after July 1, 2017 but prior to July 1, 2023:

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month (“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

c. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2023

i. Beginning July 1, 2023 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month

(“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial.

2. Additional information may be requested by the office or the department in order to make a determination of eligibility for the program.

3. Cap Management—Phase 1- Initial Certification—Tentative Reservation – for applications received on or after July 1, 2017 and prior to July 1, 2023

3.a. - 4.b. ...

5. Duration of Effect—for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023

a. - c.i. ...

6. Duration of Effect—for Applications Submitted on or after July 1, 2023

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an electronic copy to the office via Fastlane, within 30 business days, acknowledging initial certification status.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content (“SEC’s”), with estimated expenditures of at least \$10,000,000 in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until 60 months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

D. - D.2. ...

a. a cost report uploaded via Fast Lane, which shall be audited by a state licensed, independent certified public accountant assigned by the office and complying with the minimum standards as required by R.S. 47:6007(D)(2)(d). The cost report may be subject to additional audit by the department or the Department of Revenue, at the applicant’s expense.

i - iii ...

b. a detailed general ledger in an excel spreadsheet format to be uploaded via Fast Lane, or as otherwise approved by LED. Confidential taxpayer information is to be redacted, with only the last four digits to be included on any social security numbers or financial account numbers.

c. additional information as may be requested.

3. - 3.a.i. ...

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023.

i. - iii. ...

c. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2023

i. The issuance of tax credits shall be administered on a first come, first serve basis until the program issuance cap has been met, except that legacy credit reservations shall have priority over other final certification requests received by LED on or after the date of the legacy credit reservation final certification request.

ii. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

4. Cap Management—Phase 2- Final Certification—Tax Credit Issuance for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023

D.4.a - E.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 43:2102 (November 2017), repromulgated LR 43:2473 (December 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:871 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1496 (June 2022), LR 48:1916 (July 2022), LR 49:

§6111. Delinquent tax filing clearance requirement

A. No motion picture production tax credit may be earned, certified, issued to, transferred by, or used to reduce a Louisiana tax liability if there exists a delinquent federal, state or local tax obligation.

B. Compliance with this requirement shall now be certified by the motion picture production company, irrevocable designee, taxpayer, or claimant before any credit may be certified, transferred, or sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development, LR 49:

§6115. Transfer fee allocation and the Entertainment Development Fund

A. For applications received on or after July 1, 2017, as a general rule, motion picture production tax credits may not be transferred or sold to another taxpayer;

1. except that, the motion picture production company that earned the tax credits, or the company's irrevocable designee, may transfer the credits to LDR for 90 percent of the face value of the credits;

2. the transfer notification submitted to LDR shall include a fee of two percent of the tax credit transfer value, which shall be deposited upon receipt in the state treasury and thereafter credited to the Louisiana Entertainment Development Fund.

B. Money in the Louisiana Entertainment Development Fund ("EDF") shall be appropriated as follows:

1. 25 percent to LDR for administrative purposes; and
2. 75 percent to LED for motion picture and television education development initiatives, matching grants for Louisiana filmmakers, Louisiana workforce development programs, and other motion picture production and television related programs.

C. Administration of the EDF fund by LED shall be as follows.

1. Applications shall be accepted on a year round basis, subject to availability of funding in any given year, and shall be administered by LED in accordance with program rules, LAC 61: I, Chapter 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development, LR 49:

§6119. Louisiana Promotional Graphic

A. For applications for state-certified productions received on or after July 1, 2017 and prior to July 1, 2023 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana—either through the inclusion of a Louisiana promotional graphic meeting requirements set forth below, or an alternative marketing opportunity that has been approved in writing by LED.

1. - 3. ...

B. For applications for state-certified productions received on or after July 1, 2023 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana as follows:

1. Logo. Shall include up to a five second long static or animated graphic in the end credits before the below-the line crew crawl for the life of the production, during each broadcast worldwide if applicable; and

2. Promotional piece. Shall provide LED with an electronic press kit, customized video, or alternative asset, as may be agreed to by LED, for promotional use by LED.

3. Except that commercials, music videos, or other state-certified productions that are prohibited by federal law or contractual requirements from utilizing the promotional Louisiana graphic may use an alternative marketing option as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), LR 48:1497 (June 2022), amended LR 48:1917 (July 2022). LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephen Hamner through the close of business on October 24, 2023 at 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to stephen.hamner@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 2 p.m. on October 25, 2023 at the La Salle Building, La Belle Room, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Motion Picture Production Tax Credit Program

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

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings for state or local governmental units. The changes better align the rules with current statutory provisions and administrative practices as required by Act 411 of the 2023 Regular Session. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Dept. of Economic Development (LED) and the Department of Revenue (LDR).

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

The proposed rule changes update provisions for program applicants on or after July 1, 2023, including the elimination of the division and tentative allocation of tax credits toward specific production types. However, all issuance activity still operates under a cap of \$150 M each fiscal year. Furthermore, film tax credit claims are capped at \$180 M each fiscal year. Because the rule revisions occur under the auspices of these statutory credit issuance and claims caps, aggregate revenue for the state will not be affected beyond the impacts of loosening specific production type eligibility and program extension. Act 411 extends the program application sunset by six years. Therefore, the state general fund beginning in FY 26 is expected to decrease by an unspecified amount as projects become eligible that otherwise would not be.

NOTE: The \$150 M annual cap applies to LED's issuance of credits. The \$180 M annual cap applies to taxpayer claims with LDR. These are statutory, and have no bearing on this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Firms who are eligible for film tax credits will realize a reduction in tax liabilities to the extent they qualify for the credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will continue to gain competitively over companies that do not receive the program's benefits.

Anne G. Villa
Undersecretary
2309#033

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development Office of the Secretary

Angel Investor Tax Credit Program
(LAC 13:I.3307)

The Department of Economic Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 47:6020 through 6020.4, and R.S. 36:104, hereby give notice of their intent to adopt rules for the administration of the Angel Investor Tax Credit Program.

The purpose of this regulation is to implement legislative changes to the Angel Investor Tax Credit program under R. S. 47:6020 as enacted by Act 253 of the 2023 Regular Session of the Louisiana Legislature.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 33. Angel Investor Tax Credit

§3307. The Amount, Allocation and Limitations of the Angel Investor Tax Credits

A. - G. ...

1. Applications received on or after July 1, 2020, for qualified investments that meet the requirements of Subsection C of this Section and the requirements of 26 U.S.C. 1400Z-1, shall be entitled to an enhanced credit in accordance with the provisions of this Subsection.

2. - 3. ...

4. Repealed

H. No credits shall be granted or reserved under this program for reservation applications received by the department on or after July 1, 2030.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006), amended LR 32:1595 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3196 (December 2011), amended by the Department of Economic Development, Office of Business Development, LR 42:35 (January 2016), amended by Department of Economic Development, Office of the Secretary, LR 47:37 (January 2021), amended by Department of Economic Development, Office of the Secretary, LR 47:1105 (August 2021), amended by Department of Economic Development, Office of the Secretary, LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule could cause direct economic impact for investors newly eligible to participate in the program.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons should submit written comments on the proposed Rules Kelly Raney, Louisiana Department of Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Kelly.Raney@LA.GOV. All comments must be received no later than close of business day, Tuesday, October 24, 2023

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 3 p.m. on Wednesday, October 25, 2023 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Angel Investor Tax Credit Program

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

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units as this impact is already contemplated in the agency’s base budget. The proposed rule aligns the program guidelines, current statutory provisions, and administrative practices as required by Act 253 of the 2023 Regular Session regarding the Angel Investor Tax Credit. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Dept. of Economic Development (LED).

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

Act 253 of the 2023 Regular Session extends the Angel Investor Tax Credit by five years from FY25 to FY30 with the first impacts being declining revenue beginning in FY27 due to an average delay of 2 years between initial certification and credit utilization for the projects eligible under the extension. This amount cannot be determined due to unknown future investor activity. However, the program typically reduces state general fund by about \$2.5M annually and, without additional information, it is expected that the same annual impact will continue under the extension.

The Act also repeals certain federal eligibility requirements for the portion of the program that award credits of 35% of an angel investment taken over two years. LED indicates that these federal provisions are not utilized under current practice

which makes the repeal of these requirements have no impact on eligibility or program utilization and thus state revenue.

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

The proposed rule change has no effect on persons, small businesses or non-governmental groups beyond those experienced in the current program. Investors earning credits under the extended timeframe would otherwise not be eligible and any businesses receiving the investment may be required to seek a different means of funding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will continue to gain competitively over companies that do not receive the program’s benefits.

Anne G. Villa
Undersecretary
2309#034

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center
Licensing Regulations
(LAC 28:CLXI.103, 305, 311, 709, 907,
1103, 1307, and Chapters 15-19)

Editor's Note: This Notice of Intent is being repromulgated to correct a manifest typographical error. The original Notice of Intent can be viewed on page 1276-1282 of the July 20, 2023 *Louisiana Register*.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. Louisiana R.S. 17:407.40 requires a comprehensive review of all standards, rules, and regulations for early learning center license regulations every three years. In compliance with this statute, the Louisiana Department of Education (LDOE) established a committee of 12 early care and education stakeholders to conduct the required review. The aforementioned revisions include definitions, license regulations, additional license at a single center address, conditions requiring LDOE notice, reporting of critical incidents, staffing and training mandates, child safety equipment, and technical edits.

**Title 28
EDUCATION**

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations
Chapter 1. General Provisions
§103. Definitions

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Division.

Care for Children with Disabilities—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the

Individuals with Disabilities Education Act (IDEA) or who receives Supplemental Security Income (SSI).

Child—person who has not reached age 13, or a person with disabilities who has not yet reached age 18.

Child Care Criminal Background Check (CCCBC)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

Department—Louisiana Department of Education, also referenced as LDOE or LDE.

License Type—the type of license applied for or held by an early learning center, which include type I, type II, and type III licenses.

Local Education Agency (LEA)—a public board of education or other public authority legally constituted within the state either to provide administrative control or directions of, or perform a service function for, public elementary and secondary schools in a city, parish, school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

Office of Public Health—Louisiana Department of Health, Office of Public Health.

OSFM—Office of the State Fire Marshal

Provisionally Employed Staff Member—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

Quiet Time—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Operating an early learning center without a valid license may result in fines up to \$1,000 per day for each day of such offense.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:

§311. Posting of License

A. Each early learning center shall display its current license in a prominent place at the center where the license is visible to parents and other visitors to the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, amended LR 49:

Chapter 7. Licensure Process and Procedures

§709. Validity of Licenses

A. - C. ...

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application or, at the discretion of the LDOE, a second application for an early learning center at the same address as an existing Head Start located on LEA property.

E. Two licenses shall not be issued simultaneously for the same physical address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

G. If an early learning center operates summer and/or holiday camps at the location, such care shall be included under a single license for the location address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

H. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:

Chapter 9. Changes Requiring a New License

§907. Notification of Temporary or Permanent Closure

A. Closures

1. Temporary Closure. A center shall notify the LDOE in writing of a temporary closure of more than 5 calendar days, but fewer than 30 calendar days, within 1 day of closure of the center.

2. Permanent Closure. The provider shall notify the LDOE in writing of a permanent closure of 30 or more calendar days of a center within 7 calendar days of the closure.

B. A center shall make notification to the LDOE prior to making any changes that may have an effect on the license, such as structural changes, adding or removing transportation, or changing age range and/or hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 49:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
2. serious injury or illness that required medical attention;
3. a child left unsupervised for any amount of time;
4. use of prohibited behavior management as described in §1509. of this Part;
5. allegations or suspicion of child abuse or neglect by center staff;
6. an accident involving the transportation of children;
7. any child given the wrong medication or an overdose of the correct medication;
8. any loss of power over two hours while children are in care;
9. a physical altercation between adults in the presence of children on the premises;
10. reportable infectious diseases and conditions outlined in LAC 51:II.105;
11. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.

B. Prioritization of Notifications. The following shall be notified immediately and in the order listed below as applicable:

1. emergency personnel when dealing with any medical incident.
2. law enforcement.
3. parent.

C. The following, as applicable, shall be notified via email within 24 hours of the incident, or no later than the next business day if the incident occurred on a Friday or on a recognized state holiday:

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, and shall contain all information requested on the form.
2. DCFS. Report all incidents that might constitute child endangerment including examples provided in mandated reporting training.
3. LDH. Report all incidents related to LDH regulations such as safety and sanitation issues as well as infectious diseases and conditions.
4. OSFM. Report all incidents related to OSFM regulations.
5. Any other appropriate agencies, including but not limited to, local or city fire marshal or the Department of Environmental Quality.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015),

effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:

Chapter 13. Denial, Revocation or Non-Renewal of License

§1307. Appeal of Denial, Revocation, or Refusal to Renew

A. A center has 30 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 30 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. - D.2. ...

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar days of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018), LR 49:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. ...

B. Repealed.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, LR 49:

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, implement, and adhere to the following policies:

1. - 8.b.viii. ...

c. time out:

i. the behavior management policy shall address the center's use of time out, if the center uses time out, including the minimum requirements and shall not be used for children under age two;

ii. - iv. ...

d. the behavior management policy shall establish steps for addressing behaviors identified by the site as dangerous and/or out of control behaviors. Suspension or expulsions should only be considered as a final action after the implementation of behavior support strategies, including at a minimum:

i. engaging parents by written communication and/or parent conference; and

ii. providing a referral to EarlySteps, Child Search, and/or mental health consultant if appropriate.

9. - 12.d ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:

§1511. Procedures

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

c. children ages four and five shall be offered the opportunity for daily quiet time;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:1864 (October 2018), LR 49:

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. - C. ...

D. Staff

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 44:1864 (October 2018), LR 49:

§1711. Child-to-Staff Minimum Ratios

A. - C. ...

D. Minimum child-to-staff ratios for centers are as follows.

Minimum Child-to-Staff Ratios	
Ages of Children	Ratio

E. - F.2. Repealed.

G. - L.3. ...

M. Children with Disabilities and Children with Special Health Care Needs—Minimum Child to Staff Ratios. When the nature of a child with special health care needs or the number of children with special health care needs warrants added care, the center shall add sufficient staff as necessary.

N. Maximum Group Sizes:

1. Maximum group sizes for centers are as follows.

Maximum Group Sizes	
Age of Children	Maximum Group Size

2. - 2.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 49:

§1719. Orientation Training

A. - A.4. ...

5. list of children with allergies, children with disabilities, and children with special health care needs;

6. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1721. Continuing Education

A. - A.1. ...

B. Staff members who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center's anniversary year.

C. - D.12. ...

E. The three hours of training approved by the LDOE on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. ...

G. Medication administration training approved by the LDOE may count as continuing education in the anniversary year in which it is taken.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1723. CPR and First Aid Certifications

A. - E. ...

F. Within 90 calendar days from the date of hire and prior to assuming sole responsibility for any children, each staff member shall have current certification in pediatric first aid and CPR. During this period, caregivers and teachers who provide direct care for children must be supervised until training is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 48:30 (January 2022), LR 49:32 (January 2023), LR 49:

§1725. Medication Management Training

A. - B. ...

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health. Training for medication administration shall be completed every two years with training approved by the LDOE.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:862 (May 2023), LR 49:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. A person may be provisional for child care purposes if the person:

1. has more than one component of the CCCBC still pending;
2. is employed at any center; and
3. is named in a deficiency for §1509 of this Part.

B. Provisional Employment for Staff Member of Early Learning Centers

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

2. A provisionally-employed staff member may be counted in child-to-staff ratios but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, and who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. The monitor shall be physically present at the center at all times when the provisionally-employed staff member is present at the center.

d. Monitors must remain within close enough physical proximity of their designated provisionally-employed staff members to be able to intervene at any time if needed.

e. A monitor shall perform at least one visual observation of each designated provisionally-employed staff member every 30 minutes.

f. The center may designate one monitor for up to a maximum of five provisionally-employed staff members at any given time.

g. At least one monitor must be physically present at all times in any room during nap times if a provisionally-employed staff member is present.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member, the designated monitor for each, and the times of the visual observations.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. - A.2. ...

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available on the center's CCCBC roster at all times for inspection upon request by the department.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1867 (October 2018), LR 49:

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

A. - D.1....

2. A provisionally-employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes within the past five years, who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. Repealed.

d. Monitors must supervise at all times their designated provisionally-employed staff members to be able to intervene at any time if intervention is needed.

e. - g. Repealed.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member and the designated monitor for each.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

A. - B. ...

1. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018, LR 48:30 (January 2022), LR 49:

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1907. Furnishings and Equipment

A. Apparatus or Equipment

1. The manufacturer's restraint device shall be used when equipment is occupied by children.

2. Children who are either too small or too large to be restrained using the manufacturer's restraint device shall not be placed in equipment.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:1279 (September 2021), LR 49:

§1911. Care of Children

A. - F. ...

G. Pacifiers shall not be attached to a child.

H. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, LR 47:1279 (September 2021), LR 49:

§1913. Water Activities

A. - F.I. ...

2. For off-site water activities, the center shall have documentation of the current certification of the lifeguard, such as a letter of documentation that the lifeguard has current certification, whether the lifeguard is furnished by the center or the off-site water location.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR:49

§1915. Health Services

A. - E. ...

F. Influenza Information. Centers shall make parents aware of information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, amended LR 44:1867 (October 2018), LR:49

§1919. Food Service and Nutrition

A. - B. ...

1. be planned for each day of the week at a minimum and list the specific food items served;

2. be prominently posted, written or electronically, by the first day of each week at a minimum and remain posted throughout the week; and

3. ...

C. Food Allergies and Special Diets

1. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of

children are not in public view. If a parent chooses to allow the center to post the child's name and allergy information in public view, the center shall obtain a signed and dated authorization from the parent.

2. Children with allergies or special diets shall not be served foods identified as restricted by the parent.

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

1. Centers that do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

2. Children under age four shall not have foods that are implicated in choking incidents. Examples of these foods include, but are not limited to: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, hard chips with the exception of puffs, peanuts, popcorn, whole marshmallows other than when melted in other foods or found in boxed cereals, spoonful of peanut butter, and chunks of meat larger than what can be swallowed whole.

D.3. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:

§1921. Emergency Preparedness and Evacuation Planning

A. - A.3. ...

4. include specific procedures for handling children with disabilities and special health care needs, including the evacuation and transportation of children in wheelchairs;

5. - 11. ...

B. Individualized Emergency Plan. An individualized emergency plan shall be in place for each child with special health care needs and shall include medical contact information and additional supplies and equipment as needed.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:1867 (October 2018), LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 9, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be

dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Bulletin 137—Louisiana Early Learning Center Licensing Regulations**

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

The proposed rule change will lead to an increase in expenditures within the Louisiana Department of Education (LDE). The proposed rule change removes child care health consultants from the list of providers of medication training for early learning providers, necessitated by the Louisiana Department of Health (LDH) no longer providing consultants to conduct health-related training to early childhood personnel. LDH will send existing training information to LDE. LDE will create training modules in the Canvas learning management system for use by early childhood personnel. The initial work of creating the modules is being absorbed by existing staff. There will be an ongoing cost to house and deliver the modules in Canvas. Final estimates of this cost are still being determined. Federal Child Care and Development Fund (CCDF) dollars will be used for these expenses.

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

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Early learning providers will be affected by the proposed rule change, although the impact is expected to be minimal. The rule change provides clarity and updates definitions, as well as requires the development and/or posting of locally-developed policy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2309#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents Office of Student Financial Assistance

M.J. Foster Promise Program
(LAC 28:IV.Chapter 22)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements Act 287 of the 2023 Regular Session of the Louisiana Legislature with respect to the M.J. Foster Promise Program. (SG24210NI)

Title 28
EDUCATION

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

Chapter 22. M.J. Foster Promise Program

§2201. General Provisions

A. Act 457 of the 2021 Regular Session of the Louisiana Legislature establishes the M.J. Foster Promise Program in R.S. 17:3047 et seq. The Act provides that the board shall establish the criteria for initial and continuing eligibility and other requirements not otherwise provided in the statutes. The Act further provides that the M.J. Foster Promise Program shall be administered by the board through the Louisiana Office of Student Financial Assistance.

B. Description and Purpose. The M.J. Foster Promise Program provides financial assistance to eligible students enrolled in two year public post-secondary institutions and accredited proprietary schools to pursue an associate degree or a shorter term credential aligned with Louisiana's workforce priorities.

C. Effective Date. Awards shall be made, and these rules shall apply, beginning with the 2022-2023 academic year.

D. Authority to Audit. By participating in the scholarship and grant programs administered by the board and described in LAC 28:IV, all participants grant the board, LOSFA, and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the programs for the purpose of determining the institution's compliance with state law and the board's rules and regulations.

E. Discrimination Prohibition. The exclusion of a person from equal opportunity for an M.J. Foster Promise Program award by the board because of race, religion, sex, handicap, national origin or ancestry is prohibited. No policy or procedure of this agency shall be interpreted as superseding or contradicting this prohibition.

F. Criminal Penalties. If an erroneous award has been made and the board determines that the award was made based upon incorrect information submitted by the student or the student's parent(s) or court-ordered custodian, the board may seek reimbursement from the student, the student's parent(s) or court-ordered custodian, and if it is further determined that the award was made due to an intentional misrepresentation by the student, the student's parent(s) or court-ordered custodian, then the board shall refer the case to the attorney general for investigation and prosecution. If a student or the student's parent(s) or court-ordered custodian is suspected of having intentionally misrepresented the facts which were provided to the board and used by it to determine the eligibility of the student for the program and the board has referred the case to the attorney general for investigation, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

G. Award Amount. For the 2022-2023 academic year only, the award amount shall be applied only to tuition and fees required for enrollment. Beginning in the 2023-2024 academic year, the award amount shall be applied to tuition, required fees, and mandatory books and instructional materials. A student who is eligible for the Taylor

Opportunity Program for Students (TOPS) as well as the M.J. Foster Promise Program shall receive the highest award available only.

1. For programs which can be completed in or which exceed one year, the award amount shall not exceed \$3,200 per academic year for a student enrolled full time, or an amount proportional to the hours in which the student is enrolled if enrolled less than full time.

2. For programs which can be completed in less than one year, the award amount may exceed the amount provided for in Paragraph 1 of this Subsection.

3. In no case shall a student be awarded more than \$6,400 over a three year period.

4. Students who are enrolled less than full-time may receive an M.J. Foster Promise award, provided that the award amount shall be pro-rated based upon the number of credit hours or clock hours in which the student is enrolled.

5. After the initial award payment, awards shall be applied only after all federal, state, and/or institutional financial aid and awards are applied to the costs set forth in §2201.G. For purposes of this paragraph, federal financial aid and awards shall not include funding from student loans, federal work-study, or the Workforce Innovation and Opportunity Act (WIOA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1093 (April 2022), amended LR 49:

§2203. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term *the board* refers to the Louisiana Board of Regents.

Academic Year—for purposes of this program, the academic year begins on July 1 and ends on the following June 30.

Administering Agency—the Louisiana Board of Regents (the board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Continuous Enrollment—

a. earn at least one shorter-term postsecondary education credential per year if enrolled in a qualified program below the associate degree level that can be completed in less than one year; or

b. enroll continuously in a postsecondary education credential program that is longer than one year and does not result in an associate degree; or

c. enroll in the fall and spring semester at each academic year if enrolled in a qualified program at the associate degree level.

Eligible Colleges—two-year public postsecondary institutions and accredited proprietary schools licensed by the board in the state of Louisiana.

Louisiana Resident—

a. a dependent or independent student whose true, fixed, and permanent home of residence is Louisiana as reported on the free application for federal student aid (FAFSA);

b. a dependent student whose non-custodial parent completes a residency affidavit in Subparagraph f below that establishes Louisiana residency;

c. a veteran of the United States Armed Forces who received an honorable discharge or general discharge under honorable conditions within the twenty-four months preceding the date of application and who has become a resident of Louisiana since separation from the United States Armed Forces;

d. the spouse or dependent child of a resident of Louisiana on active duty with the United States Armed Forces who is stationed outside Louisiana but who claims Louisiana as the state of legal residence and who has filed a Louisiana state income tax return for the most recent two years;

e. the spouse or dependent child of a nonresident of Louisiana on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than one hundred eighty days after reporting, changes his military personnel records to establish Louisiana as the official state of legal residence and complies with Louisiana income tax laws and regulations for the time period while stationed in Louisiana;

f. if the dependent or independent student does not report Louisiana as his true, fixed, and permanent home of residence as Louisiana on the FAFSA, the board may require an independent student applicant or the parent of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the board. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the board:

i. if registered to vote, a Louisiana voter registration card; and

ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and

iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and

iv. if earning a reportable income, Louisiana tax returns for the most recent two years.

Qualified Program of Study—one of five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to the state's workforce priorities as determined by the Advisory Council.

Steady Academic Progress—for students enrolled full time, make sufficient progress toward completion of the program of study in which the student is enrolled such that he is expected to graduate before or within 100 percent of the time allotted for completion of such program. For a student enrolled less than full time, before or within the maximum time period for which he may receive an M.J. Foster Promise Program award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1094 (April 2022), amended LR 49:

§2205. Initial Eligibility

A. To be eligible for an M.J. Foster Promise Award, a student must:

1. be 21 years of age as of the date the school bills LOSFA for your award;

2. have earned a high school diploma or equivalent or co-enroll in a qualified program of study and in a program to earn a high school credential that is recognized by the state of Louisiana;

3. be a U.S. Citizen;

4. be a Louisiana Resident as defined in §2203;

5. have not previously earned an undergraduate degree at the associate level or above;

6. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

7. meet the admission requirements of the institution he plans to attend; and

8. enroll and remain enrolled in an eligible program of study through the fourteenth class day at semester schools, or, for any qualifying summer sessions, students attending proprietary schools, and students enrolled in a program that is not provided on a traditional semester/term basis, through the end of the last day to drop and receive a full refund for the course of study in which enrolled.

9. agree to reside and work full time in Louisiana for a minimum of one year after the completion of the last program of study for which funding is received.

10.a. for the 2022-2023 academic year, the student must have completed a free application for federal student aid in order to be determined eligible to receive an award;

b. beginning in the 2023-2024 academic year, a student may receive one award payment prior to filing the free application for federal student aid.

B. In addition to the above, the applicant must certify that:

1. he is not currently imprisoned; and

2. he has not been convicted of a violent crime as defined in R.S. 14:2(B); and

3.a. he has a family income that does not exceed three hundred percent of the federal poverty guidelines published by the United States Department of Health and Human Services; or

b. certify that he is currently unemployed or has been underemployed for a period of at least six months prior to the date he would receive an award.

C. All applicants will be required to agree that the Board of Regents and the Louisiana Office of Student Financial Assistance may verify the applicant's criminal history, employment records, and income information. Submission of an application for an award under this Chapter constitutes express permission for the Louisiana Department of Corrections and Public Safety, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health and the Louisiana Workforce Commission to release personally identifiable information to LOSFA for the purposes of verification and program reporting. An individual's personally identifiable information will be maintained in a secure environment and

will not be released except as necessary to administer this program and for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1095 (April 2022), amended LR 49:

§2207. Continuing Eligibility

A. To maintain eligibility to receive an M.J. Foster Promise Award, a recipient must:

1. if not completed prior to receipt of the first payment, complete the free application for federal student aid, and annually thereafter unless the student's program of study is not eligible for federal financial aid;

2. annually complete the on-line application for an M.J. Foster Promise Program award;

3. make steady academic progress as defined in §2203;

4. remain in good academic standing at the college in which enrolled;

5. maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of the scholarship and grant program rules;

6. maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which letter grades are issued;

7. not be incarcerated and not have a conviction for any crime of violence as defined in R.S. 14:2(B);

8. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

9. have received the award for not more than three consecutive academic years unless an exception for cause is granted in accordance with §2103 of these rules;

10. have not used the award to earn more than 60 hours of college credit; and

B. A recipient may continue to receive an award under this section after he has completed one or more qualified programs of study other than an associate's degree if:

1. he continues to meet all of the continuing eligibility requirements set forth in §2207.A; and

2. he has not exhausted the maximum award eligibility of \$6,400; and

3. he has not received the award for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1095 (April 2022), amended LR 49:

§2209. Responsibilities of Eligible Colleges

A. Initial Eligibility. Eligible colleges must determine:

1. that an applicant meets the enrollment requirements at the college;

2. that an applicant is enrolled in an eligible program of study;

3. that an applicant has attained a high school diploma or is co-enrolled in a program to attain a high school equivalency diploma; and

4. the appropriate award amount for the student as determined in accordance with §2201.G. and its M.J. Foster Promise Program packaging policy.

B. Continuing Eligibility. Eligible Louisiana institutions must determine whether a recipient is in good academic standing.

C. Packaging Policy

1. Eligible colleges must establish and use a policy on M.J. Foster Promise Program packaging that provides:

a. procedures for compliance with these rules and the guidance established by the board and published by LOSFA for determining the award amount;

b. record retention to comply with Subsection I of this Section;

c. the basis used to establish award amounts;

d. award amounts for less than full-time students;

e. procedures for identification of transfer students and ensuring transfer students receive awards on the same basis as home students;

f. procedures that identify students who meet the criteria provided in §2211.F when sufficient funding is not available to fund all eligible students; and

g. method for determining that a student has made steady academic progress.

2. Eligible colleges must revise the institution's M.J. Foster Promise Program packaging policy as necessary to reflect changes to the applicable legislation and administrative rules promulgated by the board to implement this program.

D. Award Amount. Eligible Louisiana institutions must establish the award amounts for each individual student based on the institution's M.J. Foster packaging policy. The amount awarded must comply with the requirements and limitations established in these rules and the guidance published by LOSFA.

E. Submission of Payment Requests. Each semester, quarter or term, eligible Louisiana institutions shall submit a payment request to LOSFA for students enrolled at the institution who have been determined eligible for an M.J. Foster Promise Program as follows:

1. for each student eligible for an award who is enrolled at the end of the fourteenth class day for semester schools (the ninth class day for quarter and term schools), or for any qualifying summer sessions, students attending proprietary schools, or students enrolled in a program that is not provided on a traditional semester/term basis, at the end of the time to drop and receive a full refund for the course of study in which enrolled;

2. the payment request shall include the:

a. Social Security number;

b. college code;

c. term;

d. date;

e. program type

i. associate's degree;

ii. certificate program (one year);

iii. certificate program (two year);

iv. CareerTech (1 – 8 credits);

v. CareerTech (9 or more credits);

vi. diploma program;

vii. credential of value;

viii. on ramp credential;

ix. concurrent enrollment in a program that results in a high school equivalency diploma.

f. CIP code for the course of study in which enrolled;

g. degree level code for the course of study in which enrolled;

h. increment key for the course of study in which enrolled;

i. amount requested for each student, including \$0 payment requests in the event a student has sufficient other financial to pay the costs set forth in §2201.G;

j. anticipated time to complete program of study

i. less than one year;

ii. more than one year.

F. At the end of every semester or term, or upon completion of a program of study, the following shall be reported:

1. hours attempted, if enrolled in an associate's degree program;

2. hours earned, if enrolled in an associate's degree program; and

3. whether the student completed his program of study.

G. Over Payments

1. No institution shall submit a payment request for M.J. Foster Promise Program funds which would result in a student receiving an annual total of more than is authorized in §2201.G.

2. Eligible Louisiana institutions certify by submitting a payment request for an M.J. Foster Promise Program award that the institution will:

a. reimburse LOSFA for the total amount of any award that is disbursed to ineligible students; and

b. for any amount of an award that is in excess of the maximum lifetime award (\$6,400).

H. Excess Award. In the event an excess award occurs during the fall semester or quarter or the winter quarter due to receipt of additional gift aid, the school shall reduce the award amount for the spring accordingly. In the event an excess award occurs during the spring semester or quarter due to receipt of additional gift aid, the school shall document the reason for the excess award.

I. Over Award. In the event the student's total aid exceeds his financial need for the costs set forth in §2201.G., M.J. Foster Promise Program grant shall be reduced, institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, shall be reduced by the amount of any remaining over award.

J. Records Retention. Records pertaining to an M.J. Foster Promise Program award are subject to audit as required by the board and the Louisiana Legislative Auditor. Eligible Louisiana institutions shall maintain all records for a minimum of three years from creation. All such records shall be made available upon request by the board and/or the Louisiana Legislative Auditor.

K. Each eligible Louisiana institution shall provide a copy of its M.J. Foster Program packaging policy as required by §2209.C to LOSFA, when requested.

L. Audits. Eligible Louisiana institutions that participate in the M.J. Foster Promise Program grant LOSFA and the Louisiana Legislative Auditor the right to inspect records

and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1096 (April 2022), amended LR 49:

§2211. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

B. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-6, 9-10, and B.

C. LOSFA shall provide a roster of eligible applicants to eligible colleges.

D. LOSFA shall pay each eligible college the amount requested by the eligible college in accordance with the provisions of §2209.E.

E. LOSFA shall maintain a database of all students who have received an M.J. Foster Promise Program award, including, but not limited to, all information reported by eligible colleges in accordance with §2209. In the event LOSFA receives a payment request in an amount that would exceed the maximum amount payable to a student, LOSFA will require the school to rebill.

F. Adequacy of Funding. In the event available funding is not sufficient to fund all eligible award applicants, awards shall be provided first to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received an award.

G. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

H. LOSFA shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1097 (April 2022), amended LR 49:

§2213. Responsibilities of the Louisiana Board of Regents

A. Advisory Council

1. The Board of Regents shall convene an Advisory Council to perform the following functions for the purpose of identifying qualified programs of study for the M.J. Foster Promise Program:

a. identify not more than five industry sectors and that lead to high demand, high wage jobs that are aligned to state workforce priorities;

b. review postsecondary education requirements of each job identified;

c. identify programs of study at the associate level and below that lead to the identified jobs in each industry sector; and

d. at least once every three years, review the state's return on investment in awards made.

2. Identification of industry sectors, high demand high wage jobs, and required degrees and credentials of the identified jobs shall, at a minimum, be based upon the following:

a. a review of the most current statewide and regional industry and occupational forecasts approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council;

b. a review of nationally recognized databases for industry and occupational projections; and

c. input from the regional development organizations in each region.

3. The advisory council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and to gain employment in the job for which training was received. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs and work-based learning experiences.

4. The advisory council shall identify and compile a list of all federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to complete their postsecondary education, provide a copy to the Louisiana Board of Regents and to the Louisiana Office of Student Financial Assistance, which shall post such listing on its website.

5. The advisory council shall consist of the following members:

a. the chancellor of Louisiana State University at Eunice.

b. the chancellor of Southern University at Shreveport.

c. the president of the Louisiana Community and Technical College System.

d. the commissioner of higher education.

e. the state superintendent of education.

f. the secretary of the Louisiana Department of Economic Development.

g. the executive director of the Louisiana Workforce Commission.

h. the chairman of the Louisiana Workforce Investment Council.

i. the secretary of the Louisiana Department of Revenue.

6. The advisory council shall meet by January 1, 2022, and at least once every three years thereafter to review the workforce priorities of the state and each of its workforce regions and designate qualified programs of study.

B. The Board of Regents shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, the Louisiana Department of Children and Family Services, the Louisiana Department of Health, and the Louisiana Workforce

Commission for the purpose of obtaining data to verify applicant statements and reporting. The reporting system shall include data on all award recipients and shall include all of the following:

1. the number and percentage of students enrolled in each eligible program of study;

2. the number and percentage of those students who are enrolled in each eligible program of study who are enrolled in a credit hour or in a non-credit hour program of study;

3. the number of credit hours required to complete each credit hour program of study;

4. the length of each non-credit hour program of study;

5. the cost of each program of study;

6. demographic information of award recipients, including age, race, gender, and household income;

7. the number and percentage of recipients who participated in a program of study that was not eligible for federal financial aid;

8. the number and percentage of recipients who were determined ineligible for federal financial aid;

9. the number and percentage of students who were determined to be unable to complete the free application for federal student aid (FAFSA) due to extenuating circumstances;

10. the mean length of time required for award recipients to complete a qualified program as compared to other completers who did not receive the award;

11. pre-and post-award employment information, including employment status, annual wages, and employer's industry sector; and

12. recidivism rates of award recipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1097 (April 2022), amended LR 49:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (AB24213NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: M.J. Foster Promise Program

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

The M. J. Foster Promise Program provides financial aid to students enrolled in designated programs at eligible two-year public schools and accredited proprietary schools. The proposed rule changes modify the Scholarship and Grant Program rules to implement changes to the M.J. Foster Promise Program due to the passage of Act 287 of the 2023 Regular Session of the Legislature. The proposed changes will make it easier for students to qualify for and receive funding from the program. Expenditures related to program awards will likely increase due to the proposed rule changes to the extent more students qualify for awards and that qualifying students receive more award funds than they currently would have received under the current rules. Overall program funding for the M.J. Foster Promise Program is capped in statute at \$10.5 M and limited by appropriations by the Legislature, and thus will not increase.

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

Revenue collections of state and local governments will not be affected by the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This program provides financial assistance of up to \$6,400 over a three-year period for students ages 21 and older who enroll at eligible two-year public postsecondary institutions or proprietary schools in designated programs that lead to jobs in one of five identified industry sectors that are predominated by high demand, high wage jobs. This will provide a direct benefit to students and their families. The program will also provide Louisiana employers with a better-educated workforce and may also attract out-of-state employers to Louisiana, thus providing additional better paying jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Students attending post-secondary institutions will increase the number of educated/trained workers in the state, which will have a positive impact on competition and employment.

Robyn Rhea Lively
Senior Attorney
2309#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Board of Regents
Office of Student Financial Assistance**

TOPS and TOPS Core Curriculum
(LAC 28:IV.301, 701, 703, 704, 803, and 804)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking implements Act 267, Act 224, and Act 405 of the 2023 Regular Session of the Louisiana Legislature. This rulemaking also adds core curriculum courses approved the Board of Regents and the Board of Elementary and Second Education at its June 2023 meeting. It also restructures the core curriculum provisions in

rulemaking by moving all core curriculum and equivalents charts to a newly added Chapter 704 for TOPS Opportunity, Performance, and Honors Awards and Chapter 804 for TOPS Tech and makes technical changes related to this restructuring. (SG24212NI)

Title 28

EDUCATION

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term “the board” refers to the Louisiana Board of Regents.

* * *

Louisiana Resident—

a. any independent student or any dependent student with at least one parent or court-ordered custodian who has resided in the state for a minimum of 24 consecutive months immediately preceding the month of high school graduation or the month of May in the academic year (high school) that a student completes a home study program or some other period of residency which is required to qualify the person for a specific program administered by the board. To qualify for a program under Part IV of these rules, in addition to the certification of residency found on the application form, the board may require an independent student applicant or the parent(s) or court-ordered custodian of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the board. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent or court-ordered custodian of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the board:

- i. if registered to vote, a Louisiana voters registration card; and
- ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and
- iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and
- iv. if earning a reportable income, a Louisiana tax return;

b. any member of the Armed Forces on active duty whose official state of legal residence is Louisiana as demonstrated by the member's DD Form 2058 validated by the member's military personnel officer or other documentary proof and who has filed a Louisiana tax return for the most recent two years in compliance with Clause a.iv above;

c. any member of the Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than 180 days after reporting to such station, changes his military DD Form 2058 to reflect Louisiana as his state of legal residence, and complies with all Louisiana income tax laws and regulations while

stationed in Louisiana. A copy of the permanent change of station (PCS) orders and a DD Form 2058 validated by the member's military personnel officer and showing Louisiana as the member's state of legal residence must be submitted to the Louisiana Office of Student Financial Assistance (LOSFA) at the time the service member's dependent applies for TOPS. The DD Form 2058 must reflect that it was filed within 180 days after the member reported to duty at a duty station in Louisiana;

d.i. through the 2014-2015 academic year, a parent or court-ordered custodian who is living outside the United States and its territories, is actively engaged in work or another activity on behalf of a Louisiana employer or sponsor, and is not on active duty with the United States armed forces, may meet the residency requirement for dependent students by providing a sworn affidavit with supporting evidence that the parent or court-ordered custodian complies with all of the following:

(a). was a resident of Louisiana who actually lived in Louisiana for at least the 24 months preceding the date he started the work or activity outside the United States and its territories;

(b). was assigned duties outside the United States and its territories by a Louisiana employer or sponsor and continues to be employed by the employer or perform duties for the sponsor through the date of the student's graduation from high school or completion of a home study program approved by BESE;

(c). has remained a resident of Louisiana through the date of the student's graduation from high school or completion of a home study program approved by BESE. Evidence may include a Louisiana voters registration card, a Louisiana driver's license, a Louisiana registration for an owned vehicle, a Louisiana tax return, notarized affidavits, copies of correspondence from the employer or sponsor providing the reason for living outside the United States and its territories and the time period of the work or activity, copies of visas, copies of foreign housing documentation, and copies of other documents that demonstrate a presence in Louisiana or a foreign country during the required period of time;

ii. beginning with the 2023-2024 academic year, a parent or court-ordered custodian who is living outside the United States and its territories may meet the residency requirement for dependent students by providing a sworn affidavit with supporting evidence that the parent or court-ordered custodian complies with all of the following:

(a). was a resident of Louisiana who actually lived in Louisiana for at least the 24 months preceding the date he began living outside the United States or its territories;

(b). he is not on active duty with the United States Armed Forces; and

(c). has remained a resident of Louisiana through the date of the student's graduation from high school or completion of a home study program approved by BESE. Evidence may include a Louisiana voters registration card, a Louisiana driver's license, a Louisiana registration for an owned vehicle, Louisiana tax returns, notarized affidavits, copies of visas, copies of foreign housing documentation

and copies of other documents that demonstrate a presence in Louisiana or a foreign country during the required period of time.

e. effective for high school graduates beginning with academic year (high school) 2002-2003, any independent or dependent student who actually resides in Louisiana during his last two full years of high school. In order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

f. effective for high school graduates beginning with academic year (high school) 2000-2001, any dependent student who actually resided in Louisiana during his last two full years of high school and whose parent is a member of the United States Armed Forces living in Louisiana under permanent change of station orders, but who does not claim Louisiana as his official state of legal residence. In order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school;

g. effective for high school graduates of academic year (high school) 2001-2002 and 2002-2003, any dependent student who was continuously enrolled in a Louisiana public high school or nonpublic high school that is approved by BESE during his last two full years of high school, whose parent or court-ordered custodian:

i. is a resident of a state that adjoins Louisiana; and

ii. actually resides in a county that adjoins a Louisiana parish having a population greater than 41,600 and less than 42,400 according to the federal 2000 census; and

iii. has filed a Louisiana state income tax return and complied with state income tax laws and regulations; or

iv. is assessed ad valorem taxes on property owned in Louisiana;

v. in order to qualify pursuant to this Subsection, the student's high school transcript must reflect that the student earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school.

h. for any dependent student graduating from an out-of-state high school during the 2006-2007 academic year (high school) whose parent or court-ordered custodian was a member of the United States armed forces who, in the year 2006, moved from Louisiana under permanent change of station orders and retired from the armed forces, and changed his military personnel records to reflect a change of his state of legal residence from Louisiana to another state, shall meet the requirements of this Item, provided that such parent or court-ordered custodian changes his military personnel records from the other state to reestablish Louisiana as his state of legal residence no later than July 1, 2007, and has filed a Louisiana state income tax return for the two years preceding the date of the dependent's graduation from high school.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1880 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:486 (March 2018), LR 45:1172 (September 2019), LR 48:479 (March 2022), LR 49:

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§701. General Provisions

A. - E.11.c. ...

12. Beginning with the 2023-2024 academic year (College), a student who receives the tuition waiver provided by R.S. 17:1688 for disabled veterans shall receive the tuition exemption provided in that Section in lieu of a TOPS Award.

F. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031, R.S. 17:3042.1 and R.S. 17:5001 et seq.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36:2854 (December 2010), LR 40:1002 (May 2014), LR 41:663 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1881 (November 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:504 (March 2018), LR 48:483 (March 2022), LR 49:

§703. Establishing Eligibility

A. - A.4.g.ii. ...

5.a. graduate from an eligible public or nonpublic Louisiana high school or non-Louisiana high school defined in §1701.A.1, 2, or 3 and complete the core curriculum

specified for the applicable graduating class as set forth in §704.

A.5.b. - M.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), amended LR 47:861 (July 2021), LR 47:864 (July 2021), amended LR 47:868 (July 2021), LR 48:484 (March 2022), LR 48:1761 (July 2022), LR 48:2732 (November 2022), LR 49:46 (January 2023), LR 49:

§704. Opportunity, Performance, and Honors Award Core Curriculum and Equivalent

A. Core Curriculum

1. For students graduating in academic year (high school) 2001-2002 and prior, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)

Units	Course
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1 credit) Computer/Technology Applications (1 credit) Computer Architecture (1 credit) Computer/Technology Literacy (1/2 credit) Computer Science I (1 credit) Computer Science II (1 credit) Computer Systems and Networking I (1 credit) Computer Systems and Networking II (1 credit) Desktop Publishing (1/2 credit) Digital Graphics and Animation (1/2 credit) Introduction to Business Computer Applications (1 credit) Multimedia Productions (1 credit) Technology Education Computer Applications (1 credit) Telecommunications (1/2 credit) Web Mastering (1/2 credit) Word Processing (1 credit) Independent Study in Technology Applications (1 credit)

2. For students graduating in academic year (high school) 2002-2003 through 2003-2004, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language

Units	Course
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

3. For students graduating in academic year (high school) 2004-2005 through 2005-2006, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry*, Calculus or comparable Advanced Mathematics *Trigonometry cannot be used to fulfill this requirement for students graduating in Academic Year (High School) 2005-2006 and thereafter
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)

Units	Course
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

4. For students graduating in academic year (high school) 2006-2007, at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Trigonometry*, Calculus or comparable Advanced Mathematics *Trigonometry cannot be used to fulfill this requirement for students graduating in Academic Year (High School) 2005-2006 and thereafter
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or one elective from among the other subjects listed in this core curriculum)

Units	Course
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE); or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum); BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Database Design and Programming (1/2 or 1 credit) Database Programming with PL/SQL (1/2 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Digital Media I (1/2 or 1 credit) Digital Media II (1/2 or 1 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Java Programming (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

5. Beginning with the graduates of academic year (high school) 2007-2008 through 2012-13, at the time of high school graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit; provided however, that such Agriscience unit shall not be considered a science elective for the purpose of the math or science elective requirement below)

Units	Course
1	An elective from among the following math subjects: Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Integrated Mathematics III or the following science subjects: Biology II, Chemistry II, Physics or Physics II
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education (BESE) or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum). BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Database Design and Programming (1/2 or 1 credit) Database Programming with PL/SQL (1/2 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Digital Media I (1/2 or 1 credit) Digital Media II (1/2 or 1 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Java Programming (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

6. Beginning with the graduates of academic year (high school) 2013-14 through 2016-2017, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV

Units	Course
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
2	Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, Advanced Math – Pre-Calculus, Advanced Math – Functions and Statistics, Integrated Mathematics III
1	Biology
1	Chemistry
2	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
2	World History, Western Civilization, World Geography or History of Religion
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit)
1	Fine Arts Survey; (or substitute one unit of a performance course in music, dance, or theater; or substitute one unit of a visual art course; or substitute one unit of a studio art course; or substitute one unit of drafting)
2	Foreign Language, both units in the same language

7. Beginning with the graduates of academic year (high school) 2017-2018, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States

Units	Course
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics
Foreign Language - 2 Units	
2	Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

8. Beginning with the graduates of academic year (high school) 2021-2022, at the time of high school graduation, an applicant must have successfully completed 19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL);

Units	Course
	Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language - 2 Units	
2	Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

9. Beginning with the graduates of academic year (high school) 2026-2027, at the time of high school graduation, an applicant must have successfully completed

19 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language – 2 Units Or Computer Science- 2 Units	
2	Foreign Language, two units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB. Or Computer Science, two units, which may include: AP Computer Science A;

Units	Course
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
NOTE: AP = Advanced Placement IB = International Baccalaureate	

10. Beginning with the graduates of academic year (high school) 2027-2028, at the time of high school graduation, an applicant must have successfully completed 20 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Department of Education as follows.

Units	Course
English - 4 Units	
1	English I
1	English II
1	English III, AP English Language Arts and Composition, or IB English III (Language A or Literature and Performance)
1	English IV, AP English Literature and Composition, or IB English IV (Language A or Literature and Performance)
Math - 4 Units	
1	Algebra I
1	Geometry
1	Algebra II
1	One unit from: Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL
Science - 4 Units	
1	Biology I
1	Chemistry I
2	Two units from: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II or AP Chemistry or IB Chemistry II; AP Environmental Science or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, IB Physics II, or AP Physics II; Biology II or AP Biology or IB Biology II

Units	Course
Social Studies - 4 Units	
1	U.S. History or AP U.S. History or IB U.S. History
1	Civics, Government, AP US Government and Politics: Comparative, or AP US Government and Politics: United States
2	Two units from: Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.
Foreign Language – 2 Units Or Computer Science- 2 Units	
2	Foreign Language, two units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB. Or Computer Science, two units, which may include: AP Computer Science A;
Art - 1 Unit	
1	One unit of Art from: Performance course in Music, Dance, or Theatre; Fine Arts Survey; Arts I, II, III, and IV; Talented Art I, II, III, and IV; Talented Music I, II, III, and IV; Talented Theater Arts I, II, III, and IV; Speech III and IV (one unit combined); AP Art History; AP Studio Art: 2-D Design; AP Studio Art: 3-D Design; AP Studio Art: Drawing; AP Music Theory; Film Study I IB; Film Study II IB; Music I IB; Music II IB; Art Design III IB; Art Design IV IB; Theatre I IB; or Drafting
1	Financial Literacy
NOTE: AP = Advanced Placement IB = International Baccalaureate	

Core Curriculum Equivalents.

1. For students graduating in academic year (high school) 2007-2008 and prior, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III

Core Curriculum Course	Equivalent (Substitute) Course
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

2. For students graduating in academic year (high school) 2006-2007 through the 2008-2009 academic year (high school), for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math - Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math -Functions and Statistics]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

3. For students graduating in academic year (high school) 2009-2010, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry

Core Curriculum Course	Equivalent (Substitute) Course
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

4.a. For students graduating in academic year (high school) 2010-2011 through academic year (high school) 2016-17, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I, Applied Algebra I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III, Applied Geometry
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Math - Pre-Calculus**, Advanced Math - Functions and Statistics***
Chemistry	Chemistry Com
Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit);	Anatomy and Physiology
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
World Geography	AP Human Geography
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

b. For students graduating in academic year (high school) 2013-2014 only, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a, in addition to the equivalent courses identified in §704.B.4.a. above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
World History, Western Civilization, World Geography or History of Religion	Law Studies

c. For students graduating in academic years (high school) 2013-2014 through 2016-2017, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §704.B.4.a. above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Algebra III; Advanced Math-Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A

4. For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

TOPS Core Course	Equivalent (Substitute) Course
Algebra I, Geometry, and Algebra II	Integrated Mathematics I, II, and III
Algebra III	Additional Math: Cambridge IGCSE
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Arabic	Arabic: Cambridge AICE-AS
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Biology II	Human Anatomy and Physiology Microbiology
IB Biology II	Biology II, Cambridge AICE-AS
Calculus I	Math 2 (Part I): Cambridge AICE – A Level
Calculus II	Math 2 (Part 2): Cambridge AICE- A Level

TOPS Core Course	Equivalent (Substitute) Course
Chemistry II	Organic Chemistry I
IB Chemistry II	Chemistry II: Cambridge AICE – AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Cambridge AICE-AS
English I	English Language Part 1: Cambridge IGCSE English Literature Part 1: Cambridge IGCSE
English II	English Language Part 2: Cambridge IGCSE English Literature Part 2: Cambridge IGCSE
English III	English Language Part 1: Cambridge AICE-AS Literature in English Part 1: Cambridge AICE-AS
English IV	English Language Part 2: Cambridge AICE-AS Literature in English Part 2: Cambridge AICE-AS
Environmental Science	Environmental Awareness
European History	History European: Cambridge AICE-AS
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Japanese	Japanese: Cambridge AICE-AS
Physical Science	Principles of Engineering PLTW Principles of Engineering
Physics I	Physics I: Cambridge IGCSE
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Math 1 (Pure Math): Cambridge AICE-AS
Probability and Statistics	Statistical Reasoning Math 1 (Probability and Statistics): Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	Physical Geography Geography: Cambridge AICE-AS

TOPS Core Course	Equivalent (Substitute) Course
World History	History International: Cambridge AICE-AS
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

5. For students graduating in academic year (high school) 2026-2027 and after, for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

TOPS Core Course	Equivalent (Substitute) Course
Algebra I, Geometry, and Algebra II	Integrated Mathematics I, II, and III
Algebra III	Additional Math: Cambridge IGCSE
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Arabic	Arabic: Cambridge AICE-AS
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography; Digital Image and Motion Graphics; Digital Storytelling; Engineering Design and Development; Sound Design
Biology II	Human Anatomy and Physiology Microbiology
IB Biology II	Biology II, Cambridge AICE-AS
Calculus I	Math 2 (Part I): Cambridge AICE – A Level
Calculus II	Math 2 (Part 2): Cambridge AICE- A Level
Chemistry II	Organic Chemistry I
IB Chemistry II	Chemistry II: Cambridge AICE – AS
Chinese	Chinese: Cambridge AICE-AS
Computer Science	Computer Science Computer Coding as a Foreign Language I Computer Coding as a Foreign Language II

TOPS Core Course	Equivalent (Substitute) Course
Economics	Cambridge AICE-AS
English I	English Language Part 1: Cambridge IGCSE English Literature Part 1: Cambridge IGCSE
English II	English Language Part 2: Cambridge IGCSE English Literature Part 2: Cambridge IGCSE
English III	English Language Part 1: Cambridge AICE-AS Literature in English Part 1: Cambridge AICE-AS
English IV	English Language Part 2: Cambridge AICE-AS Literature in English Part 2: Cambridge AICE-AS
Environmental Science	Environmental Awareness
European History	History European: Cambridge AICE-AS
Foreign Language, both units in the same language, which may include: AP Chinese Language and Culture, AP French Language and Culture, AP German Language and Culture, AP Italian Language and Culture, AP Japanese Language and Culture, AP Latin, AP Spanish Language and Culture, French IV IB, French V IB, Spanish IV IB, and Spanish V IB	Mandarin Chinese I, II, III, IV Hindi I, II, III, IV Portuguese I, II, III, IV Vietnamese I, II, III, IV Indigenous Language I Indigenous Language II
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Japanese	Japanese: Cambridge AICE-AS
Physical Science	Principles of Engineering PLTW Principles of Engineering
Physics I	Physics I: Cambridge IGCSE
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Math 1 (Pure Math): Cambridge AICE-AS
Probability and Statistics	Statistical Reasoning Math 1 (Probability and Statistics): Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	Physical Geography Geography: Cambridge AICE-AS
World History	History International: Cambridge AICE-AS

TOPS Core Course	Equivalent (Substitute) Course
Any listed core course or its equivalent	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

C. The courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a. above, or §803.A.6.a.

1. For students graduating in academic year (high school) 2017-2018 and after:

a. Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology

TOPS Core Course	Advanced Placement
World Geography	AP Human Geography
World History	AP World History

b. International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

c. Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III

TOPS Core Course	Gifted and Talented
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

d. Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics	Introduction to Psychology	CPSY2013
Economics, AP Macroeconomics AP Microeconomics		
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

e. Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS

TOPS Core Course	Honors
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

2. For students graduating in academic year (high school) 2021-2022 and after:

a. Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

b. International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)

TOPS Core Course	International Baccalaureate
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

c. Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV

TOPS Core Course	Gifted and Talented
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

d. Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
African American History	African American History	CHIS 2103
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

e. Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

3. For students graduating in academic year (high school) 2026-2027 and after:

a. Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
AP Computer Science A	AP Computer Science A
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC

TOPS Core Course	Advanced Placement
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A AP Pre-Calculus
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

b. International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II

TOPS Core Course	International Baccalaureate
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

c. Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV

TOPS Core Course	Gifted and Talented
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

d. Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math-Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
English III	English Composition I	CENL 1013
	English Composition II	CENL 1023
	American Literature I	CENL 2153
	American Literature II	CENL 2163
	Major American Writers	CENL 2173
English IV	English Composition I	CENL 1013
	English Composition II	CENL 1023
	British Literature I	CENL 2103
	British Literature II	CENL 2113
	Major British Writers	CENL 2123
	World Literature I	CENL 2203
	World Literature II	CENL 2213
	Major World Writers	CENL 2223
	Introduction to Fiction	CENL 2303
	Introduction to Literature	CENL 2323
	Introduction to Poetry and/or Drama	CENL 2313
	Introduction to African American Literature	CENL2403
	Environmental Science	Environmental Science
Fine Arts Survey	Exploring the Arts	CART 1013
	Introduction to Visual Arts	CART 1023
	Dance Appreciation	CDNC 1013
	Music Appreciation	CMUS 1013
French	Elementary French I	CFRN 1013/1014
	Elementary French II	CFRN 1023/1024
	Intermediate French I	CFRN 2013/2014
	Intermediate French II	CFRN 2023
German	Elementary German I	CGRM 1013/1014
	Elementary German II	CGRM 1023/1024
	Intermediate German I	CGRM 2013
	Intermediate German II	CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I	CLTN 1013/1014
	Elementary Latin II	CLTN 1023/1024
	Intermediate Latin I	CLTN 2013
	Intermediate Latin II	CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based)	CPHY 2113
	Physics I (Lecture and Lab)	CPHY 2114
	Physics I (Calculus Based)	CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I	CSPN 1013/1014
	Elementary Spanish II	CSPN 1023/1024
	Intermediate Spanish I	CSPN 2013/2014
	Intermediate Spanish II	CSPN 2023
Theatre (Performance)	Acting I or II	CTHE 2103/2113
	Introduction to Theatre	CTHE 1013
US Government or Civics	Introduction to American Government	CPOL 2013
	Introduction to State and Local Government	CPOL 2113
	Introduction to Comparative Government	CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or	Introduction to Psychology	CPSY2013

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics		
	World Regional Geography	CGRG 2113
	World History	World Civilization I or II CHIS 1113/1123

e. Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

D.1. Through academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a. above, in addition to the courses identified in §704.B, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English III	EN 210 Composition/Major Themes in Literature (1 unit)
English IV	Any 2 of the following 1/2 unit courses: EN 311 Readings in Literature (at least one 311 course is a requirement) EN 311A American Literature EN 311B British Literature EN 302 Studies in the English Language EN 304 Topics in American and British Literature EN 312 Studies in Poetry EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author—Shakespeare EN 422 Studies in a Major Author—Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry
Physics	PH 110L Conceptual Physics (1 unit), or PH 210L General Physics (1 unit), or PH 250L Advanced Placement Physics (1 unit), or PH 310L Physics with Calculus
Biology II	BI 210L Advanced Placement Biology (1 unit), or BI 231L Microbiology (1/2 unit), and BI 241 Molecular and Cellular Biology (1/2 unit)
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit), and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
*Applied Mathematics III was formerly referred to as Applied Geometry **Advanced Math—Pre-Calculus was formerly referred to as Advanced Mathematics II ***Advanced Math—Functions and Statistics was formerly referred to as Advanced Mathematics II	

2. Beginning with the academic year (high school) 2011-2012, for purposes of satisfying the requirements of §703.A.5.a. above, in addition to the courses identified in §704.B., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the Louisiana School for Math, Science and the Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English II	EN 110 Introduction to Writing and Literature (1 unit)
English III	EN 210 Composition/ Literature (1 unit)
English III	1/2 unit EN 311A and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author—Shakespeare EN 422 Studies in a Major Author—Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
English IV	1/2 unit EN 311B or EN 311W and 1/2 unit from any of the following 1/2 unit courses: EN 302 Studies in the English Language EN 304 Topics in American and British Lit EN 314 Readings in World Literature EN 322 Studies in Fiction EN 332 Introduction to Film Studies EN 342 Studies in Modern Drama EN 401 Creative Writing EN 402 Expository Writing EN 412 Studies in a Major Author—Shakespeare EN 422 Studies in a Major Author—Faulkner IS 314 Dramatic Text and Performance IS 315 Literature and Science IS 317 Evolution and Literature IS 318 Sacred Literature IS 411 English Renaissance
Advanced Math	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Advanced Math
Algebra I (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra I
Algebra II (one unit)	Any combination of advanced math courses which equal 1 unit of course credit that are certified by the school to be equivalent of Algebra II: MA 120 College Algebra (1 unit), or MA 121 Accelerated College Algebra (1/2 unit) and 1/2 unit of MA 203 Trigonometry

Core Curriculum Course	Equivalent (Substitute) Course
Biology II	Any combination of 1/2 unit Biology Lab science courses which equal 1 unit of course credit that are certified by the school to be equivalent of Biology II: BI 210L Cells and Genetics and BI 202L Evolution and Biodiversity (1 unit combined), or 1 unit from the following 1/2 unit courses: BI 231L Microbiology BI 253L Botany BI 246L Ecology
Chemistry II	Any combination of 1/2 unit Chemistry lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Chemistry II: CH 201L and CH 202L (1 unit combined) or 1 unit from the following 1/2 unit courses: CH 313L Analytical Chemistry, CH 314L Polymer Chemistry
Physics I	PH 101L and PH 102L Accelerated Physics I (1 unit combined), or PH 201L and PH 202L Accelerated Physics II (1 unit combined)
Physics II	Any combination of 1/2 unit Physics lab science courses which equal 1 unit of course credit that are certified by the school to be the equivalent of Physics II, or PH 301L and PH 302L (1 unit combined) or 1 unit from the following 1/2 unit courses: PH 203L Intro to Astronomy; PH 303L Observational Astronomy and Astrophotography PH 305L Electronics PH 306L Astrophysics
Civics (1/2 unit) and Free Enterprise (1/2 unit)	AH 243 American Government and Politics (1/2 unit) and SS 113 Economics (1/2 unit)
Western Civilization	EH 121 Ancient and Medieval History (1/2 unit) and EH 122 Modern History (1/2 unit)
Advanced Social Studies	Any combination of history courses certified by the school to be the equivalent of one unit of World History, World Geography, Western Civilization, AP European History: 1 unit of credit from the following 1/2 unit courses: EH 231 History of Tudor-Stuart England EH 232 History of Modern Britain EH 244A European Intellectual History WH 244 Selected Topics in World History

E. Beginning with academic year (high school) 2013-2014, for purposes of satisfying the requirements of §703.A.5.a.i above, in addition to the courses identified in §703.A.5.a.ii, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for students of the New Orleans Center for Creative Arts.

Core Curriculum Course	Equivalent (Substitute) Course
English I	NOCCA Integrated English I
English II	NOCCA Integrated English II
English III	NOCCA Integrated English III
English IV	NOCCA Integrated English IV
Algebra I	NOCCA Integrated Mathematics I
Geometry	NOCCA Integrated Mathematics II

Core Curriculum Course	Equivalent (Substitute) Course
Algebra II	NOCCA Integrated Mathematics III
Advanced Math—Functions and Statistics	NOCCA Integrated Mathematics IV
Physical Science	NOCCA Integrated Science I
Biology	NOCCA Integrated Science II
Environmental Science	NOCCA Integrated Science III
Chemistry	NOCCA Integrated Science IV
World Geography	NOCCA Integrated History I
Civics	NOCCA Integrated History III
World History	NOCCA Integrated History II
U. S. History	NOCCA Integrated History IV

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 49:

Chapter 8. TOPS-Tech Award §803. Establishing Eligibility

A. - A.5. ...

6. if qualifying under the terms of §803.A.5.a, at the time of high school graduation:

a. have successfully completed one of the following core curriculums:

i. high school course work constituting the TOPS core curriculum for the Opportunity, Performance and Honors Awards as defined in §704 and documented on the student's official transcript as approved by the Louisiana Department of Education;

ii. high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the TOPS-Tech core curriculum for the applicable year as set forth in §804.

A.6.c. - F.2.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010), LR 36:2856 (December 2010), LR 38:3159 (December 2012), LR 41:654 (April 2015), LR 41:2597 (December 2015), LR 42:48 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:523 (March 2018), amended LR 44:1874 (October 2018), LR 45:1172 (September 2019), LR 47:40 (January 2021), LR 47:866 (July 2021), amended LR 47:870 (July 2021), LR 49:51 (January 2023), LR 49:

§804. TOPS-Tech Award and Core Equivalents

A. Core Curriculum

1. For students graduating through the 2001-2002 school year, the TOPS-Tech core curriculum as follows.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English II
1	English III
1	English IV or Business English
1	Algebra I (1 unit) or Applied Algebra IA and 1B (2 units)
1	Algebra II
1	Geometry or Applied Geometry, Trigonometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry or Applied Physics
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)
1	Fine Arts Survey or any approved vocational course in the areas of Agriscience, Business Education, Family and Consumer Science, Health Occupations, Marketing Education, Technology Education, or Trade and Industrial Education; (or substitute 2 units of performance courses in music, dance or theater; or 2 units of studio art or 2 units of visual art courses; or 1 elective from among the other subjects listed in this core curriculum)
2	In a single Foreign Language. (1 unit for students graduating from high school during the 1996-97 and 1997-98 school years.) or Technical Writing, Speech I or Speech II (2 units).
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least 1/2 unit of an elective course related to computers that is approved by the state Board of Elementary and Secondary Education; or substitute at least 1/2 unit of an elective from among the other subjects listed in this core curriculum)

2. For students graduating in the 2000-2001 school year through the 2012-2013 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
1	Chemistry or Applied Chemistry
1	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History

Core Curriculum—TOPS-Tech Award	
Units	Course
1	World History, Western Civilization, or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
Remaining Core Courses shall be Selected from One of the Following Options:	
Option 1—Total of 17 Units	
1	Fine Arts Survey or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course.
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

3. For students graduating in the 2013-2014 school year through the 2016-2017 school year, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
2	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, or Chemistry or Applied Chemistry, Chemistry II, Physics, Physics II or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, non-public)

Core Curriculum—TOPS-Tech Award	
Units	Course
Remaining Core Courses Shall Be Selected from One of the Following Options	
Option 1—Total of 17 Units	
1	Fine Arts Survey or drafting (one unit) or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2—Total of 19 Units	
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

4. For students graduating in the 2015-2016 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States

Core Curriculum—TOPS-Tech Award	
Units	Course
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

5. For students graduating in the 2017-2018 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
3	Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

6. For students graduating in the 2026-2027 academic year (high school) and later, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
1	Geometry or an applied Geometry course
2	Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math -Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

7. For students graduating in the 2027-2028 academic year (high school) and later, the high school course work documented on the student’s official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	Course
1	English I
1	English II
2	English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education.
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course
1	Geometry or an applied Geometry course
1	Financial Literacy
1	Algebra II, Math Essentials, Business Math, Algebra III, Advanced Math -Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits
1	Biology
1	Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses
1	U.S. History, AP U.S. History, or IB U.S. History

Core Curriculum—TOPS-Tech Award	
Units	Course
1	Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States
9	In Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

B. Core Curriculum Equivalents

1. For students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

2. For students graduating in academic year (high school) 2018 and after, for purposes of satisfying the requirements of §803.A.6., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials
Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the state Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits	Probability and Statistics; Transition to College Mathematics; Statistical Reasoning

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 49:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (AB24213NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Students attending post-secondary institutions will increase the number of educated/trained workers in the state, which will have a positive impact on competition and employment.

Robyn Rhea Lively
Senior Attorney
2309#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Tuition Trust Authority
Office of Student Financial Assistance**

Achieving a Better Life Experience (ABLE)
(LAC 28:VI.507, 509, and 517)

The Louisiana Tuition Trust Authority announces its intention to amend its ABLE Program rules (R.S. 17:3091 et seq.).

This rulemaking implements Act 96 of the 2024 Regular Session of the Louisiana Legislature. This rulemaking also includes amendments implementing the Secure 2.0 Act of 2022 that were in progress at the time of this rulemaking. (ST24211NI)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 5. Achieving a Better Life Experience (ABLE)

§507. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

Eligible Individual—an individual is an eligible individual for a given tax year if one of the following is met:

a.i. through December 31, 2025, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

b.i. beginning January 1, 2026, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 46; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

* * *

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: TOPS and TOPS Core Curriculum**

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

The proposed rule changes that implement Act 405 of the 2023 Regular Legislative Session will result in an increase in state expenditures for the Taylor Opportunity Program for Students (TOPS) program as it allows out-of-country students to qualify for an award in certain circumstances. Such increases in TOPS expenditures are indeterminable but are anticipated to be minimal and within the normal TOPS projection margin of error.

In addition, adding Financial Literacy as a required course to implement Act 267 of the 2023 RLS may result in an increase in local expenditures to create and teach the new course, but state expenditures will not change since the addition of the new course will not deter or assist students in becoming eligible for a TOPS or TOPS Tech Award.

The proposed rule changes to the TOPS core curriculum and course equivalents are either technical in nature or they will not have an impact on TOPS expenditures since they do not substitute significantly harder or easier courses for those currently required for TOPS eligibility.

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

Revenue collections of state and local governments will not be affected by the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Under the proposed rule changes, certain out-of-country students may qualify for a TOPS award. These students who choose to attend an in-state school to further their education may remain in Louisiana upon completion of their education. This will provide Louisiana employers a better-educated workforce and may also attract out-of-state employers to Louisiana thus providing additional better paying jobs.

Refund Recipient—the person designated in the ABLE account program owner's agreement or by operation of law to receive refunds from the account. The designated refund recipient can only be the account owner, his heirs, or his estate. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

* * *

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021), LR 49:

§509. Establishment of an ABLE Account

A. - G.4.c. ...

d. Only the account owner, his heirs, or his estate may be designated to receive refunds from the ABLE account. In the event of the death of the account owner when the account owner is designated to receive the refund or when no successor beneficiary is named, the refund shall be made to the Disability Services Fund established by R.S.28.826(B)(2)(d).

H. - I.4.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:640 (April 2017), amended LR 44:1888 (October 2018), amended LR 47:575 (May 2021), LR 49:

§517. Termination, Refund, and Rollovers of an Education Savings Account

A. - B.2. ...

C. Designation of a Refund Recipient. The refund recipient can only be the account owner, his heirs, or his estate, and the administrator may designate the refund recipient when completing the owner's agreement. If no refund recipient is designated, the refund shall be made to the Disability Services Fund established by R.S. 28.826(B)(2)(d).

D. - G.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:642 (April 2017), amended LR 44:1888 (October 2018), amended LR 47:577 (May 2021), LR 49:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (AB24213NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Achieving a Better Life Experience (ABLE)

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

The proposed rule change implements the provisions of Act 96 of the 2023 Regular Session of the Legislature which provides that, in the case where there is no ABLE account refund recipient designated by the account owner, remaining funds in an account will be deposited in the Disability Services Fund established by the state. The funds are private funds that belong to the Account Owner, thus no state or local funds are involved.

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

No direct material increase in revenue is anticipated resulting from the proposed rule change, however remaining monies in an ABLE account which do not have a designated beneficiary would be transferred to the Disability Services Fund in the state treasury. The extent to which this situation would occur is expected to be minimal.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes will not provide or impact economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
2309#039

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority Office of Student Financial Assistance

Advisory Board Bylaws
(LAC 28:V.Chapters 1-2)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

The proposed rulemaking will implement Advisory Council By-laws and will amend the LOSFA Advisory Board Bylaws to implement Act 393 of the 2023 Regular Session of the Louisiana Legislature. (AB24213NI)

Title 28

EDUCATION

Part V. Student Financial Assistance—Higher Education Advisory Boards

Chapter 1. Bylaws of the Achieving a Better Life Experience (ABLE) Account Advisory Council

Subchapter A. Purpose and Authority

§101. Purpose of the Advisory Council

A. The purpose of the advisory council is to advise and consult with the Tuition Trust Authority through LOSFA relative to the Authority's administration of and adoption of rules pertaining to the ABLE Account Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§103. Authority of the Advisory Council

A. The advice and recommendations of the advisory council are only advisory in nature and are not binding upon the Tuition Trust Authority, its members, or its officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

Subchapter B. Meetings

§111. Regular Meetings

A. The advisory council shall hold regular meetings, but no more than 12 per year. All regular meetings shall be held at the meeting place designated by the executive director of the Office of Student Financial Assistance (OSFA). Proxy voting shall be permitted provided that the proxy holder is an officer or employee of the organization represented by the appointed member and that a proxy does not represent the appointed member at more than two of the meetings scheduled annually.

B. No more than one-third of the regularly scheduled meetings held during the year may be conducted by electronic means provided that all of the requirements of §135 are met. In no case shall successive meetings be conducted electronically.

C. All meetings must provide for electronic access to members of the public to allow those with disabilities recognized by the Americans with Disabilities Act and/or their caregivers to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§113. Special Meetings

A. Special meetings of the advisory council may be called by the executive director of the Office of Student Financial Assistance at any time, provided the purposes of the meeting are specified, the members notified at least three calendar days before the time of the meeting, and sufficient members to form a quorum confirm their planned attendance. All special meetings, unless conducted solely for the purpose of discussing items subject to executive session,

shall provide a means by which members of the public may participate remotely in accordance with §135.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§115. Compensation

A. Members of the advisory council shall be reimbursed for their travel expenses incurred in attending meetings in accordance with applicable state travel regulations if the organization represented by the appointed member does not reimburse them for their expenses and if otherwise allowed by law. No other compensation is authorized. Members may decline reimbursement for expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§117. Quorum

A. Six voting members of the advisory council shall constitute a quorum for the transaction of business and a simple majority of the members present at any meeting voting for or against a particular item shall constitute the recommendation of the advisory council.

B. Notwithstanding anything in these rules to the contrary, a member of the Advisory Council who has a disability that is recognized by the Americans with Disabilities Act (ADA) shall be permitted to attend and participate electronically, and their presence shall be counted for the establishment of a quorum. In order to establish that the member has such a disability and should be permitted to attend electronically, the member shall provide a brief letter from a qualified health care provider to LOSFA's Senior Attorney for review and filing for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

Subchapter C. Membership and Officers of the Advisory Council

§121. Membership

A. The advisory council shall be composed of 11 voting members as follows:

1. the chair of the Louisiana Development Disabilities Council or his designee;
2. the executive director of the governor's office of disability affairs or his designee;
3. the executive director of the Arc of Louisiana or his designee;
4. the executive director of People First of Louisiana or his designee;
5. a person with a disability selected by the executive director of People First of Louisiana;
6. a parent or family member of a person with a disability selected by the chair of the Louisiana Developmental Disabilities Council;
7. one member who is affiliated with Louisiana Rehabilitation Services or the Disability Program Navigator Initiative or any successors of these, appointed by the secretary of the Louisiana Workforce Commission;
8. an officer of a bank in Louisiana who is a member of the Louisiana Bankers Association and who is nominated by the Association;

9. one member of the House of Representatives appointed by the Speaker;

10. one member of the Senate appointed by the President; and

11. the state treasurer.

B. Term

1.a. The term of voting members shall be for the time period for which the person who holds the respective office or as long as the member is not replaced by the respective organization that appointed him, as applicable.

b. Members may serve consecutive terms.

2. Terms shall begin on October 1 of each year.

C. Notification of Membership

1. LOSFA will send a notice to the organizations represented on the advisory council in the event a member advises that they will no longer be available to serve requesting that someone be appointed. The organization shall respond within 45 days of the date LOSFA sends the notice in order for LOSFA to confirm the appointee's willingness to serve.

2. The appointee must submit the confirmation of membership within 45 days of the notice of appointment.

D. Replacements

1. If an appointee declines to participate or does not submit a timely confirmation, LOSFA shall so notify the appropriate organization and request another person be appointed.

2. In the event a member does not attend at least half of the regularly scheduled meetings of the membership in a year, the chair shall request that another member be appointed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§123. Chair and Vice-Chair

A. The chair and vice-chair shall be selected annually by vote of the members of the advisory council from among the members of the advisory council. The chair of the advisory council shall preside over all meetings, serve as ex officio member of all subcommittees, if any, designate the duties of the vice-chair, and appoint the membership of all subcommittees, if any. The vice-chair shall perform the duties of the chair in the chair's absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§125. Executive Director of the Office of Student Financial Assistance (OSFA)

A. The executive director of the Office of Student Financial Assistance shall:

1. prepare the business agenda;

2. provide administrative support to the advisory council within the resources of his/her office allocated for that purpose;

3. approve the travel of advisory council members; and

4. in conjunction with the chair, schedule meetings of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

Subchapter D. Business Rules

§131. Rules of Order

A. When not in conflict with any of the provisions of these bylaws, *Roberts' Rules of Order* shall constitute the rules of parliamentary procedure applicable to all meetings of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§133. Order of Business

A. The order of business of regular meetings of the advisory council shall be as follows, unless the rules are suspended by a simple majority vote of the quorum present:

1. call to order;

2. roll call;

3. introductions and announcements;

4. corrections and approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto;

5. public comment;

6. reports and recommendations of subcommittees;

7. unfinished business;

8. new business; and

9. public comment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§135. Meetings

A. Meetings shall be conducted in accordance with the state law governing public bodies. It shall be the policy of the advisory council that all meetings are open to the public and that parties with interest in the proceedings are encouraged to attend.

B. All meetings shall provide a method by which individuals with disabilities recognized by the Americans with Disabilities Act (ADA) or their caregivers may attend and participate via electronic means.

C. Notwithstanding §135.B no more than one-third of the annual meetings conducted by the Advisory Council shall allow for the attendance and participation of its members by electronic means. In such cases, all of the following conditions shall be met.

1. Notice of the meeting shall be published on LOSFA's website at least 24 hours in advance of such meeting, and notification shall be emailed to members of the public and the news media who have requested such notice in advance. The notice shall provide detailed information as to how the public and news media may participate and submit comments during the meeting.

2. The presiding officer must be present at and conduct the meeting from an anchor location to be included on the notice of the meeting and must ensure all of the following:

a. that all public comments received both before and during the meeting are identified and acknowledged;

b. that each person participating in the meeting is clearly identified;

c. that all parts of the meeting, with the exception of any executive session called in accordance with §143.A.4., are able to be seen and heard by those participating electronically:

i. in the event the meeting is no longer audible or visible, the meeting must be recessed until such time as the sound and picture are full functional, but in no case more than one hour;

ii. in the event both auditory and visual access cannot be restored within one hour, the presiding officer must adjourn the meeting and no further business can be transacted;

d. that all votes are taken by roll call and that the responses of all members are heard by all of those participating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§137. Agenda

A. Prior to each regular or special meeting of the advisory council, the executive director of OSFA shall prepare a tentative agenda and forward it to each member of the advisory council at least five working days prior to such meeting. With the concurrence of its members, all matters supportive of the purpose of the advisory council may be discussed even though not scheduled on the agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§139. Minutes

A. At a minimum, the minutes of the advisory council shall record official motions or recommendations that are voted on by the advisory council. The minutes may contain a summary of reports and pertinent discussion of issues. Each recommendation shall be reduced to writing and presented to the advisory council before it is acted on. The minutes of meetings of the advisory council become official when approved by the advisory council at its next scheduled meeting but, prior to such occurrence, the minutes may be presented to the Tuition Trust Authority as the unofficial action of the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§141. Meeting Attendance

A. Members unable to continue their service on the advisory council shall so notify the chair and request that a replacement be named in accordance with §221 of these bylaws. Members who fail to regularly attend meetings without just cause, may be removed from membership in accordance with §221 of these bylaws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§143. Subcommittees

A. Executive Committee

1. The executive committee shall consist of five members. The chair and vice-chair of the advisory council shall serve in those capacities on the executive committee.

The remaining persons, for a total of five members, shall be appointed by the chair of the advisory council from the other members of the advisory council.

2. The executive committee shall:

a. meet for and conduct the business of the advisory council in all instances that the public has been given notice of a meeting of the advisory council and the advisory council does not have a quorum at that meeting. In such cases, the actions of the executive committee shall have the same force and effect as if a quorum of the advisory council had taken the action;

b. consider such matters as shall be referred to it by the advisory council and shall execute such orders and resolutions as shall be assigned to it at any meeting of the advisory council;

c. in the event that an emergency requiring immediate advisory council action shall arise between advisory council meetings, meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the advisory council for ratification at the advisory council's next meeting.

3. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

4. The executive committee may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the reasons specified in the Louisiana open meetings law.

B. Other subcommittees may be appointed by the chair to perform specific functions defined by the advisory council. The membership, chairship, and function of subcommittees shall be determined by the chair. Generally, the business rules defined herein shall be applicable to subcommittees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

Subchapter E. Approval and Amendment of Bylaws

§145. Approval of Bylaws

A. To receive the Tuition Trust Authority's consideration, the advisory council's bylaws must be favorably recommended by the advisory council and the executive director of LOSFA. Bylaws become effective upon approval by the Tuition Trust Authority and publication as a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

§147. Amendments to Bylaws

A. The advisory council, at any of its scheduled regular meetings, may recommend the amendment or repeal of the provisions herein upon a simple majority vote of the entire membership of the advisory council. Amendment or repeal of the bylaws becomes effective upon approval by the Tuition Trust Authority and publication as an Emergency Rule and/or a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3084.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, LR 49:

Chapter 2. Bylaws of the Louisiana Office of Student Financial Assistance (LOSFA) Advisory Board

Subchapter A. Purpose and Authority

§201. Purpose of the Advisory Board

A. The purpose of the advisory board shall be to consider those matters relating to the student financial assistance programs, and §529, College Savings Plan, of the state and to provide technical advice and recommendations to the Board of Regents through LOSFA staff on such matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

§203. Authority of the Advisory Board

A. The advice and recommendations of the advisory board are only advisory in nature and are not binding upon the Board of Regents, its members, or its officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:610 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

Subchapter B. Meetings

§211. Regular Meetings

A. The advisory board shall hold regular meetings, but no more than 12 per year. All regular meetings shall be held at the meeting place designated by the executive director of the Louisiana Office of Student Financial Assistance (LOSFA). Proxy voting shall be permitted provided that the proxy holder is an officer or employee of the organization represented by the appointed member and that a proxy does not represent the appointed member at more than two of the meetings scheduled annually.

B. No more than one-third of the regularly scheduled meetings held during the year may be conducted by electronic means provided that all of the requirements of Section 235 are met. In no case shall successive meetings be conducted electronically.

C. All meetings must provide for electronic access to members of the public to allow those with disabilities recognized by the Americans with Disabilities Act and/or their caregivers to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

§213. Special Meetings

A. Special meetings of the advisory board may be called by the executive director of the Office of Student Financial Assistance at any time, provided the purposes of the meeting are specified, the members notified at least three calendar days before the time of the meeting, and sufficient members to form a quorum confirm their planned attendance. All special meetings, unless conducted solely for the purpose of discussing items subject to executive session, shall provide a

means by which members of the public may participate remotely in accordance with Section 235.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017).

§215. Compensation

A. Members of the advisory board shall be reimbursed for their travel expenses incurred in attending meetings in accordance with applicable state travel regulations if the organization represented by the appointed member does not reimburse them for their expenses and if otherwise allowed by law. No other compensation is authorized. Members may decline reimbursement for expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:610 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

§217. Quorum

A. Six voting members of the advisory board shall constitute a quorum for the transaction of business and a simple majority of the members present at any meeting voting for or against a particular item shall be the recommendation of the advisory board.

B. Notwithstanding anything in these rules to the contrary, a member of the advisory board who has a disability that is recognized by the Americans with Disabilities Act (ADA) shall be permitted to attend and participate electronically, and their presence shall be counted for the establishment of a quorum. In order to establish that the member has such a disability and should be permitted to attend electronically, the member shall provide a brief letter from a qualified health care provider to LOSFA's Senior Attorney for review and filing for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

Subchapter C. Membership and Officers of the Advisory Board

§221. Membership

A. The advisory board shall be composed of 11 voting members as follows:

1. one member from each postsecondary education board to be appointed by the respective board;
2. one member appointed the Louisiana Association of Independent Colleges and Universities (LAICU);
3. one member appointed by the Louisiana Association of Private Colleges and Schools who will represent proprietary and cosmetology schools;
4. one member to be appointed by the Louisiana Association of Student Financial Aid Administrators;
5. one private/parochial high school counselor to be appointed by the Louisiana Student Counselor Association;
6. one public/charter high school counselor to be appointed by the Louisiana Student Counselor Association;

7. one member appointed by the Board of Elementary and Secondary Education (BESE) to be rotated with one member appointed by the Department of Education;

8. one student member to be appointed by the Council of Student Body Presidents, whose rotation shall be as follows:

- a. Louisiana State University System;
- b. Southern University System;
- c. University of Louisiana System;
- d. Louisiana Technical and Community College System.

B. Term

1.a. The term of voting members shall be for two years except when the organization represented by the appointed member provides for a shorter term, in which case, the member's term shall meet the requirements of the organization represented.

b. Members may serve consecutive terms.

2. Terms shall begin on October 1 of each year.

C. Notification of Membership

1. LOSFA will send a notice to the organizations represented on the advisory board no later than July 1 of the year during which terms expire to begin requesting appointments for the upcoming term. The organization shall respond in sufficient time to allow LOSFA to confirm the appointee's willingness to serve prior to the beginning of the term on October 1.

2. The appointee must submit the confirmation of membership by September 1 of that same year.

D. Replacements

1. If an appointee declines to participate or does not submit a timely confirmation, LOSFA shall so notify the appropriate organization and request another person be appointed.

2. If a member is unable to complete his/her term for any reason, the organization represented by that member shall appoint a replacement who shall complete the rest of the term and shall be eligible for membership for the next two-year term.

3. In the event a member does not attend at least half of the regularly scheduled meetings of the membership in a year, the Chair shall request that another member be appointed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 33:1339 (July 2007), LR 34:610 (April 2008), LR 37:2598 (September 2011), LR 42:49 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1728 (September 2017), LR 49:

§223. Chair and Vice-Chair

A. The chair and vice-chair shall be selected annually by vote of the members of the advisory board from among the members of the advisory board. The chair of the advisory board shall preside over all meetings, serve as ex officio member of all subcommittees, if any, designate the duties of the vice-chair, and appoint the membership of all subcommittees, if any. The vice-chair shall perform the duties of the chair in the chair's absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 34:611 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), LR 49:

§225. Executive Director of the Office of Student Financial Assistance (OSFA)

A. The executive director of the Office of Student Financial Assistance shall:

1. prepare the business agenda;
2. provide administrative support to the advisory board within the resources of his/her office allocated for that purpose;
3. approve the travel of advisory board members; and
4. in conjunction with the chair, schedule meetings of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), LR 49:

Subchapter D. Business Rules

§231. Rules of Order

A. When not in conflict with any of the provisions of these bylaws, *Roberts' Rules of Order* shall constitute the rules of parliamentary procedure applicable to all meetings of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017).

§233. Order of Business

A. The order of business of regular meetings of the advisory board shall be as follows, unless the rules are suspended by a simple majority vote of the quorum present:

1. call to order;
2. roll call;
3. introductions and announcements;
4. corrections and approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto;
5. public comment;
6. reports and recommendations of subcommittees;
7. unfinished business;
8. new business; and
9. public comment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 42:50 (January 2016), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), LR 49:

§235. Meetings

A. Meetings shall be conducted in accordance with the state law governing public bodies. It shall be the policy of the advisory board that all meetings are open to the public

and that parties with interest in the proceedings are encouraged to attend.

B. All meetings shall provide a method by which individuals with disabilities may attend and participate via electronic means.

C. Notwithstanding §235.B. no more than one third of the annual meetings conducted by the Advisory Board shall allow for the attendance and participation of its members by electronic means. In such cases, all of the following conditions shall be met:

1. Notice of the meeting shall be published on LOSFA's website at least 24 hours in advance of such meeting, and notification shall be emailed to members of the public and the news media who have requested such notice in advance. The notice shall provide detailed information as to how the public and news media may participate and submit comments during the meeting.

2. The presiding officer must be present at and conduct the meeting from an anchor location to be included on the notice of the meeting and must ensure all of the following:

a. that all public comments received both before and during the meeting are identified and acknowledged;

b. that each person participating in the meeting is clearly identified;

c. that all parts of the meeting, with the exception of any executive session called in accordance with §243.A.4., are able to be seen and heard by those participating electronically:

i. in the event the meeting is no longer audible or visible, the meeting must be recessed until such time as the sound and picture are full functional, but in no case more than one hour;

ii. in the event both auditory and visual access cannot be restored within one hour, the presiding officer must adjourn the meeting and no further business can be transacted;

d. that all votes are taken by roll call and that the responses of all members are heard by all of those participating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1729 (September 2017), LR 49:

§237. Agenda

A. Prior to each regular or special meeting of the advisory board, the executive director of OSFA shall prepare a tentative agenda and forward it to each member of the advisory board at least five working days prior to such meeting. With the concurrence of its members, all matters supportive of the purpose of the advisory board may be discussed even though not scheduled on the agenda.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

§239. Minutes

A. At a minimum, the minutes of the advisory board shall record official motions or recommendations that are voted on by the advisory board. The minutes may contain a summary of reports and pertinent discussion of issues. Each recommendation shall be reduced to writing and presented to the advisory board before it is acted on. The minutes of meetings of the advisory board become official when approved by the advisory board at its next scheduled meeting but, prior to such occurrence, the minutes may be presented to the Board of Regents as the unofficial action of the advisory board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

§241. Meeting Attendance

A. Members unable to continue their service on the advisory board shall so notify the chair and request that a replacement be named in accordance with §221 of these bylaws. Members who fail to regularly attend meetings without just cause, may be removed from membership in accordance with §221 of these bylaws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

§243. Subcommittees

A. Executive Committee

1. The executive committee shall consist of four members. The chair and vice-chair of the advisory board shall serve in those capacities on the executive committee. The remaining persons, for a total of four members, shall be appointed by the chair of the advisory board from the other members of the advisory board.

2. The executive committee shall:

a. meet for and conduct the business of the advisory board in all instances that the public has been given notice of a meeting of the advisory board and the advisory board does not have a quorum at that meeting. In such cases, the actions of the executive committee shall have the same force and effect as if a quorum of the advisory board had taken the action;

b. consider such matters as shall be referred to it by the advisory board and shall execute such orders and resolutions as shall be assigned to it at any meeting of the advisory board;

c. in the event that an emergency requiring immediate advisory board action shall arise between advisory board meetings, meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the advisory board for ratification at the advisory board's next meeting.

3. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

4. The executive committee may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the reasons specified in the Louisiana open meetings law.

B. Other subcommittees may be appointed by the chair to perform specific functions defined by the advisory board. The membership, chairship, and function of subcommittees shall be determined by the chair. Generally, the business rules defined herein shall be applicable to subcommittees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

Subchapter E. Approval and Amendment of Bylaws

§245. Approval of Bylaws

A. To receive the Board of Regents' consideration, advisory board bylaws must be favorably recommended by the advisory board and the executive director of LOSFA. Bylaws become effective upon approval by the Board of Regents and publication as a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

§247. Amendments to Bylaws

A. The advisory board, at any of its scheduled regular meetings, may recommend the amendment or repeal of the provisions herein upon a simple majority vote of the entire membership of the advisory board. Amendment or repeal of the bylaws becomes effective upon approval by the Board of Regents and publication as an Emergency Rule and/or a final Rule in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:436 (March 1998), amended LR 34:612 (April 2008), amended by the Board of Regents, Office of Student Financial Assistance, LR 43:1730 (September 2017), LR 49:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (AB24213NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Advisory Board Bylaws

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

The proposed rule change modifies the bylaws of the Louisiana Office of Student Financial Assistance (LOSFA) Advisory Committee in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature to allow teleconferencing or video conferencing meetings. The rulemaking also implements bylaws for the ABLE Account Advisory Council that includes the teleconferencing or video conferencing meeting provisions. The costs of supporting the operations of the LOSFA Advisory Committee and the ABLE Account Advisory Council are normal operating costs and are included in LOSFA's annual budget, so no additional costs will be incurred. LOSFA has the capability to conduct teleconferencing/video conferencing meetings and requires no additional equipment or resources.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Use of teleconferencing and video conferencing will provide additional opportunities for the public to access public meetings of the LOSFA Advisory Committee and ABLE Account Advisory Council.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment.

Robyn Rhea Lively
Senior Attorney
2309#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents Office of Student Financial Assistance

National Guard Patriot Scholarship
(LAC 28:IV.Chapter 25)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking adds Chapter 25 to the Scholarship and Grant Program rules to implement the Patriot Scholarship Program, enacted by Act 279 of the 2023 Regular Session of the Louisiana Legislature. (SG24214NI)

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 25. Louisiana National Guard Patriot Scholarship

§2501. General Provisions

A. Act 279 of the 2024 Regular Session of the Louisiana Legislature establishes the Louisiana National Guard Patriot Scholarship in R.S. 17:4101-4103.

B. Description and Purpose. The Louisiana National Guard Patriot Scholarship provides scholarships to Louisiana National Guard members who are enrolled in a Louisiana public postsecondary institution and who are eligible for the Louisiana National Guard tuition waiver provided for in R.S.29:36.1. This program provides for the payment of mandatory fees charged to the student by the institution as funds are appropriated for such purpose.

C. Effective Date. Awards shall be made, and these rules shall apply, beginning with the 2023-2024 academic year, when funds are appropriated for such purpose.

D. Authority to Audit. By participating in the scholarship and grant programs administered by the board and described in LAC 28:IV, all participants grant the board, LOSFA, and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the programs for the purpose of determining the institution's compliance with state law and the board's rules and regulations.

E. Discrimination Prohibition. The exclusion of a person from equal opportunity for a Louisiana National Guard Patriot Scholarship by the board because of race, religion, sex, handicap, national origin or ancestry is prohibited. No policy or procedure of this agency shall be interpreted as superseding or contradicting this prohibition.

F. Criminal Penalties. If an erroneous award has been made and the board determines that the award was made based upon incorrect information submitted by the student, the board may seek reimbursement from the student, and if it is further determined that the award was made due to an intentional misrepresentation by the student, then the board shall refer the case to the attorney general and to the Louisiana National Guard. If a student is suspected of having intentionally misrepresented the facts which were provided to the board and used by it to determine the eligibility of the student for the program and the board has referred the case to the attorney general and to the Louisiana National Guard, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

G. Award Amount

1. The award amount shall be equal to the amount of mandatory fees charged to the student by the institution as evidenced on the student's fee bill.

2. Each postsecondary institution/provider shall determine the award amount for eligible students based on the requirements in these rules.

3. The award amount provided by this Chapter may be paid for up to 12 semesters, which shall include the fall, spring, and summer semesters at semester schools or up to 16 quarters, which shall include the fall, winter, spring, and summer quarters at quarter schools.

H. The total amount awarded for the National Guard Patriot Scholarships during any academic year is limited to the total amount appropriated for the award for the academic year. Eligibility for an award during any particular semester, quarter or term does not guarantee that a student will receive the scholarship in a subsequent semester, quarter, term or intersession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2503. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term "the board" refers to the Louisiana Board of Regents.

Academic Year—for purposes of this program, the academic year includes all semesters, quarters, terms, intersessions during the academic year beginning with the fall semester or term and ending immediately prior to the next fall semester or term.

Administering Agency—the Louisiana Board of Regents (the Board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Eligible Postsecondary Institution—public postsecondary institutions within the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2505. Initial Eligibility

A. To be eligible for Louisiana National Guard Patriot Scholarship, a student must:

1. be a member in good standing with the Louisiana National Guard;

2. be enrolled in a Louisiana public postsecondary institution; and

3. be eligible for the Louisiana National Guard tuition waiver provided for in R.S. 29:36.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2507. Continuing Eligibility

A. To maintain eligibility to receive a Louisiana National Guard Patriot Scholarship, a student must:

1. be a member in good standing with the Louisiana National Guard;

2. be eligible for the Louisiana National Guard tuition waiver provided for in R.S. 29:36.1 as of the billing date;

3. not have received the scholarship for 12 semesters or 16 quarters, unless granted an extension due to mobilization or call to activity duty. Part-time enrollment, enrollment in a summer sessions or an intersession will

count towards the maximum number of semesters or quarters a student is permitted;

4. not be on academic probation; and
3. not have achieved a baccalaureate degree utilizing the funds available to the student for this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2509. Responsibilities of Eligible Postsecondary Institutions

A. Eligible postsecondary institutions shall provide LOSFA with the maximum dollar amount of mandatory fees that may be charged to a student during any semester or term by August 1 preceding the upcoming academic year, including any differential charged to students attending more than 12 hours in a semester.

B. Eligible postsecondary institutions shall submit payment requests each semester an eligible student is enrolled for an amount not to exceed the mandatory fees charged to that student on the fee bill. Such payments requests shall include all of the following for each student:

1. first name;
2. middle name;
3. last name;
4. Social security number;
5. date of birth;
6. college code;
7. term code;
8. number of hours enrolled;
9. payment request amount;
10. CIP code;
11. degree level code;
12. increment key;
13. academic standing code; and
14. contact information.

C. If available, postsecondary institutions may report gender and ethnicity.

D. Prior to submitting a payment request, postsecondary institutions shall verify with the Louisiana National Guard that a student is eligible for the tuition waiver provided by R.S. 29:36.1.

E. Over Award. In the event the student's total aid exceeds his financial need or the cost of attendance, any federal loan aid included in the total aid package shall be reduced, then institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, then a TOPS Award, if applicable, then the Louisiana National Guard Patriot Scholarship shall be reduced by the amount of any remaining over award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§511. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall consult with the Louisiana National Guard regarding the administration of this program, including for the promulgation of administrative rules and the determination of a student's initial and continuing eligibility.

B. LOSFA shall determine the maximum mandatory fees charged by the postsecondary institution in which an eligible student is enrolled.

C. LOSFA shall pay each eligible institution/provider the amount requested by the eligible college in accordance with the provisions of §2509.

D. LOSFA shall maintain a database of all students who have received the Louisiana National Guard Patriot Scholarship, including, but not limited to, all information reported by eligible colleges in accordance with §2409. In the event LOSFA receives a payment request in an amount that would exceed the maximum amount payable to a student, LOSFA will require the school to rebill.

E. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

F. LOSFA shall provide a report to the Louisiana National Guard and to the Louisiana Board of Regents on October 1 and again on March 1 of each academic year that funds are appropriated for this scholarship detailing the dollar amount of funds expended as compared to the remaining annual appropriation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2513. Responsibilities of the Louisiana Board of Regents

A. The Louisiana Board of Regents shall promulgate administrative rules to implement the provisions of House Bill 485 of the 2024 Regular Session of the Louisiana Legislature.

B. In the event that funds appropriated for this scholarship are insufficient to fund all eligible students, the Louisiana Board of Regents shall consult with the Louisiana National Guard to develop a plan for the distribution of available funding and shall deliver such plan to LOSFA for implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

§2515. Responsibilities of the Louisiana National Guard

A. The Louisiana National Guard shall provide a list of students who are eligible for the tuition waiver provided by R.S. 29:36.1 to LOSFA no later than the beginning of each semester/quarter/term/intersession and at any time that additional students become eligible for the tuition waiver.

B. The Louisiana National Guard shall consult with the Louisiana Board of Regents to develop a plan for the distribution of funding in the event of a budget shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:4101 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 49:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (AB24213NI) until 4:30 p.m., October 10, 2023, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: National Guard Patriot Scholarship**

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

The proposed rule is anticipated to increase costs for the Office of Student Financial Assistance to pay for Patriot Scholarship awards to eligible students. Funding for the program is limited to annual appropriations by the Legislature. Act 447 of the 2023 Regular Legislative Sessions appropriated \$2.3 M in funding for the 2023-2024 Fiscal Year for the program and future funding will be addressed during the appropriations process.

Act 279 of the 2023 Regular Legislative Session and the supporting proposed rule implement a new program, the National Guard Patriot Scholarship. The scholarship provides financial aid to pay for mandatory fees for qualified National Guard member students enrolled in Louisiana public postsecondary institutions.

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

Revenue collections of state and local governments will not be affected by the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This program provides financial assistance for National Guard member students who enroll at eligible Louisiana public postsecondary institutions. This will provide a direct benefit to these students and their families. The program will also provide Louisiana employers with a better-educated workforce and may also attract out-of-state employers to Louisiana, thus providing additional better paying jobs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Students attending post-secondary institutions will increase the number of educated/trained workers in the state, which will have a positive impact on competition and employment.

Robyn Rhea Lively
Senior Attorney
2309#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Permit Procedures (LAC 33:III.507 and 535)(AQ395)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.507 and 535 (AQ395).

The Part 70 state revision will affect two sections in LAC 33:III.Chapter 5. This Rule will grant permittees the option to use a statement of negative declaration. The negative declaration statement would certify continuous compliance with the requirements of the effective permit(s) during the reporting periods for the emission source(s) not listed in the table for the Title V Annual Compliance Certification form. A permittee's responsible official would certify the statement of negative declaration.

LAC 33:III.535 Part 70 General Conditions K, M, and R will be revised to require use of an approved department form for submitting the Title V Semiannual Monitoring and the Title V Annual Compliance Certification forms and limit referencing of previously reported permit deviations. The LDEQ Air Enforcement Section of the Office of Environmental Compliance currently has Title V Semiannual Monitoring and Title V Annual Compliance Certification forms for optional use by a permittee. Permittees are not required by Rule or regulation to use the form. Currently, the Air Enforcement Section receives semiannual and annual compliance certification forms in multiple formats making compliance reviews burdensome. The proposed Rule change would require all permittees to use a standard form in an effort to expedite the compliance review process and grant the option of negative declaration for annual compliance certifications. The basis and rationale for this Rule are to make the Part 70 reporting process uniform. This Rule meets an exception listed in R.S. 30:019(D)(2) and R.S. 49:963.B(3); therefore no report regarding environmental/health benefits and social economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 5. Permit Procedures
§507. Part 70 Operating Permits Program**

A. - H.5.d. ...

e. such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Clean Air Act;

f. optional negative declaration statement certified by the responsible official for terms or conditions of the permit not listed in the Louisiana DEQ Title V Annual Compliance Certification Form. The emission source(s)

must be in continuous compliance with the term or condition of the effective permit(s) during the entire reporting period; and

H.6. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000),

LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR 33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:746 (April 2018), LR 46:893 (July 2020), LR 47:355 (March 2021), LR 48:488 (March 2022), LR 49:

§535. Part 70 General Conditions

A. ...

40 CFR Part 70 General Conditions	
A. - J.6. ...	
K.	The permittee shall submit, at least semiannually, a report of any required monitoring, clearly identifying all instances of deviations from permitted monitoring requirements using the current version of the Louisiana DEQ Title V Semiannual Monitoring Form found on the department's website or other means as approved by the department. The semiannual report shall be certified by a responsible official and submitted to the Office of Environmental Compliance by March 31 for the preceding period encompassing July through December, and by September 30 for the preceding period encompassing January through June. The semiannual report shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation. The semiannual report may include any semiannual deviation report required to be submitted by March 31 or September 30 in accordance with Part 70 General Condition R as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report.
L. ...	
M.	Compliance certifications required by LAC 33:III.507.H.5 shall be submitted to the administrator as well as the permitting authority using the current version of the Louisiana DEQ Title V Annual Compliance Certification Form found on the department's website or other means as approved by the department. For previously-reported compliance deviations, in lieu of attaching the individual deviation reports, the annual report may clearly reference the communications or correspondences constituting the prior report, including the date the prior report was submitted. The compliance certifications shall be submitted to the Office of Environmental Compliance by March 31 for the preceding calendar year. The compliance certification shall be submitted for each reporting period after the permit has been issued, including during any construction phase and regardless of whether the facility or unit was in operation.
N. - Q. ...	
R. - R.2. ...	
3.	A written report shall be submitted semiannually to address all permit deviations not included in Paragraph 1 or 2 of Part 70 General Condition R. Unless required by an applicable reporting requirement, a written report is not required during periods in which there is no deviation. The semiannual deviation reports may be consolidated with the semiannual reports required by Part 70 General Condition K as long as the report clearly indicates this, and all required information is included and clearly delineated in the consolidated report. The semiannual report shall be submitted by March 31, for the preceding period encompassing July through December, and by September 30, for the preceding period encompassing January through June.
R.4. - W. ...	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs Division, LR 35:658 (April 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1-8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ395. Such comments must be received no later than November 2, 2023,

at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by e-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of this proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ395. These proposed regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held via Zoom on October 26, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/89059890189?pwd=T0pGeGFjV3lZM0JYOGVPaUVVQS2x0UT09>, password 545561 or by telephone by dialing 636-651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.

These proposed regulations are available for inspection at the following LDEQ office locations from 8 a.m. until 4:30

p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Permit Procedures**

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule changes.

The proposed rule change adds a provision allowing permittees the option to use a statement of negative declaration as a compliance measure for Part 70 source permits. In addition, the proposed rule change requires the use of an approved department form for submitting the Title V Semiannual Monitoring, and the Title V Annual Compliance Certification and limits referencing of previously reported permit deviations.

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

The proposed rule changes are not anticipated to have any impact on the revenues of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups anticipated as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Courtney J. Burdette
Executive Counsel
2309#018

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

UST Grant Program
(LAC 33:XI.Chapter 14)(UT20)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Underground Storage Tanks regulations, LAC 33:XI.Chapter 14 (UT20).

This Rule provides financial assistance in the form of reimbursement grants to eligible private persons or entities with the costs necessary in upgrading and/or improving single wall underground storage tank systems to the

standards outlined in LAC 33:XI.303. These proposed regulations establish requirements, procedures, and processes for owners of single wall underground storage tank systems registered with the department to be eligible for the grants. The adoption of the proposed regulations would assist in upgrading and/or improving single wall underground storage tank systems to a system that is more protective of the state's environment.

During the 2022 Regular Session, House Bill 1035 was introduced to require the Department of Environmental Quality to establish procedures to provide for reimbursement grants for upgrades and/or improvements to single wall underground storage tank (UST) systems. The department has documented numerous releases from single wall UST and upgrading these type of systems to the standards outlined in LAC 33:XI.303 will likely result in fewer releases and be more protective of the state's environment. House Bill 1035 was signed into law as Act No. 277. The basis and rationale for this Rule are to protect the waters and land of the state from petroleum releases occurring from single wall UST systems. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 14. Grant Program

§1401. Purpose

A. The purpose of this Chapter is to establish procedures to provide for grants for upgrades and/or improvements to single wall underground storage tank systems.

B. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board shall advise the secretary with regard to implementation of the tank trust account including investment of the trust and issuance of grants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1403. Applicability

A. This Chapter applies to providing financial assistance to private persons, or entities, in financing the costs necessary for upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1405. Effective Date

A. These regulations are effective January 1, 2024. These regulations are only applicable to grant applications that occur on or after January 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1407. Definitions

A. The following terms used in this Chapter shall have the meanings listed below and shall only apply to this

Chapter, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Applicant—the legal underground storage tank (UST) owner (i.e., private person or private entity) at the project facility.

Domiciled—the place of a private person's habitual residence; a private person may reside in several places, but may not have more than one domicile. The domicile of a private entity may be either the state of its formation or the state of its principal place of business.

Improvement—to replace existing single wall underground storage tanks (USTs) with double wall USTs and/or replace existing single wall product piping with double wall product piping. Containment and ancillary equipment such as submersible turbine pumps (STP), STP sumps, under dispenser containment (UDC) sumps, UST monitors and sensors, fill ports, shear valves, flex lines, and spill/overflow prevention equipment may be included for reimbursement only when upgrading and/or improving existing single wall USTs and/or single wall product piping.

Private Entity—a nonpublic juridical entity to which the law attributes personality, e.g., a corporation or a partnership. The personality of an entity is distinct from that of its members.

Private Person—a natural person or human being.

Project Facility—a single, specific facility where the grant will be applied for the approved upgrades and/or improvements to single wall underground storage tank systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1409. Grant Program Funding and Requirements

A. This grant program is funded by the cost recovery efforts and interest earned on the tank trust account (interest account) in accordance with R.S. 30:2195.2.

B. A grant may only be made pursuant to this Chapter if all of the following apply:

1. the applicant is domiciled in Louisiana;
2. the site is registered with the department as a single wall underground storage tank system; and
3. the applicant is in compliance with and has paid all fees assessed by the Environmental Quality Act, La. R.S. 30:2001, et seq., and LAC 33:XI.

C. Grants provided pursuant to this Chapter shall only be made in the form of reimbursement for completed upgrades and/or improvements after inspection and approval by the department.

D. No grant shall exceed \$150,000. The total amount of grants issued per state fiscal year (July 1-June 30) shall be determined by the beginning balance in the interest account as indicated below.

1. If the interest account has a beginning balance of greater than \$5,000,000 on July 1, then then total amount of grants per year shall not exceed \$3,000,000.

2. If the interest account has a beginning balance of less than \$5,000,000 on July 1, then the total amount of grants per year shall not exceed \$1,500,000.

E. Eligible applicants may apply for only one grant each state fiscal year.

F. The applicant shall apply the grant only at the project facility.

G. Applicants shall complete the upgrade and/or improvement as soon as possible but no later than two fiscal years (July 1-June 30) beyond the fiscal year of approval for participation in the grant program. Failure to complete the upgrade and/or improvement within two fiscal years will result in the applicant being ineligible for reimbursement from the grant program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1411. Application Process

A. An application for funding shall be on a department provided form and shall include information regarding:

1. the applicant, including location of domicile;
2. the project facility, including information about the single wall underground storage tank system; and
3. the proposed upgrade and/or improvements to the single wall underground storage tank system.

B. The application period for participation in the grant program shall be from January 1 to March 31. Applications received after March 31 will be rejected for participation in the grant program for the upcoming state fiscal year and the applicants must reapply for participation in the grant program for the forthcoming state fiscal year.

C. The department may perform a compliance evaluation inspection of the project facility prior to any upgrades and/or improvements.

D. The department shall notify the applicant in writing if the application has been approved or rejected with an explanation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1413. Procedures Prior to Making Upgrades or Improvements

A. Applicants may be approved for the grant program upon the condition they meet the requirements for participation and are in compliance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

B. Applicants must have written approval from the department for participation in the grant program prior to implementing any eligible upgrades and/or improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1415. Department Inspections and Notifications

A. The department may perform periodic inspections during the upgrade and/or improvement and may be present for all installation-critical junctures.

B. If the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI are not followed by the UST owner, operator, or certified worker prior to and during the upgrade and/or improvement, the applicant may not be awarded the grant reimbursement.

Public Hearing

A public hearing will be held via Zoom on October 26, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/89059890189?pwd=T0pGeGFjV3lZM0JYOGVPaUVQS2x0UT09>, password 545561 or by telephone (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.

The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: UST Grant Program

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

The proposed rule will increase costs to the department by providing financial assistance in the form of reimbursement grants to eligible private persons or entities in the costs necessary in upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303. These proposed regulations establish requirements, procedures, and processes for owners of single wall underground storage tank systems registered with the department to be eligible for the grants. The adoption of these regulations would assist in upgrading and/or improving single wall underground storage tank systems to a system that is more protective of the state's environment.

The proposed rule to establish the Underground Storage Tank (UST) Grant Program will be funded by the cost recovery efforts and interest earned on the Tank Trust Account (Interest Account) in accordance with R.S. 30:2195.2. No single grant shall exceed \$150,000 and the total amount of grants per year shall not exceed \$3,000,000. The department plans to implement this program initially with current staff and resources. Should the additional work for continued implementation be overly onerous, additional staff and resources may be necessary. The increased workload is indeterminable at this time.

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

There is no anticipated effect on revenue collections of state and local governmental units from this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will establish procedures for each eligible applicant to apply for a reimbursement grant to provide financial assistance in upgrading and/or improving single wall underground storage tanks (USTs). No single grant shall

1. The department shall notify the applicant in writing as soon as any violation is determined that disqualifies the applicant from receiving the grant reimbursement.

C. The applicant shall notify the department upon completion of the upgrade and/or improvement.

D. The department shall perform a final inspection of the upgrade and/or improvement and prepare a final inspection report documenting the work has been completed in accordance with the scope of work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

§1417. Grant Reimbursement Procedures

A. The grant reimbursement shall be on a department provided form and shall include the following.

1. An affidavit signed by the applicant that all upgrades and/or improvements have been completed in accordance with the scope of work and in accordance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

2. Copies of all paid invoices for the upgrade and/or improvement.

B. The applicant shall not request reimbursement until after the project facility is placed into service from the upgrade and/or improvement.

C. The grant program reimbursement form shall be submitted to the department within 90 days of the project facility being placed into service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by UT20. Such comments must be received no later than November 2, 2023, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of UT20. The proposed regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

exceed \$150,000. While the costs to upgrade and/or improve single wall USTs will likely exceed \$150,000, the proposed rule will provide a financial incentive for applicants to install a UST system that is more protective of the state's environment. Due to the anticipated participation, the proposed rule may increase demand for persons or small business that provide services to USTs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to increase demand for persons or small business that provide services to USTs therefore resulting in increased competition and employment opportunities within the state.

Courtney J. Burdette
Executive Counsel
2309#019

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Formula for Distribution of Federal Funds
(LAC 22:III.5701 and 5703)

In accordance with the provision of R.S. 15:1204, R.S. 14:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby gives notice of its intent to promulgate rules and regulations relative to the formula for distribution of federal grant funds. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE, and LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 5. Grant Application or Subgrants Utilizing Federal, State or Self-Generated Funds

Chapter 57. Formula for Distribution of Federal Grant Funds

§5701. Adoption

A. The proposed distribution formula for federal grant funds was adopted by the commission at its meeting on June 22, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012), LR 49:

§5703. Distribution Formula

A. - A.3. ...

B. Given the changes in the state's crime, population, and manpower figures since 1977, the commission collected data on the aforementioned variables through the year 2022, to include the most recent year for which data was available. The distribution formula devised for the years 2023 through 2031 modifies the variable base and maintains the rural and urban adjustments to reflect existing conditions within each planning district.

C. The proposed distribution formula percentage for each Law Enforcement Planning District for the years 2023 through 2031, as based on the most recent data, is as follows.

Law Enforcement Planning District	Formula Distribution Percentage
Northwest	12.20
North Delta	10.09
Red River	9.59
Evangeline	10.28
Capital	19.31
Southwest	10.11
Metropolitan	17.79
Orleans	10.63

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012), LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule has been considered. This proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it updates the federal funding allocation formula for the Commission on Law Enforcement.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973. B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through post-secondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:978.1 et seq.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than November 1, 2023 at 5 p.m. to

Jim Craft
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Formula for Distribution
of Federal Funds**

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

There are no implementation costs to state or local governmental units as a result of the proposed rule.

In compliance with the new formula that was adopted by the Louisiana Commission on Law Enforcement at its June 23, 2023, meeting, the proposed rule revises the distribution formula for federal grant funds to the eight (8) law enforcement planning districts.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There is an anticipated impact to law enforcement planning districts, which are non-governmental groups.

As indicated in the chart below, some districts (Northwest, Capital, and Metropolitan) will experience an increase in revenue due to the reallocation. Other districts (North Delta, Red River, Evangeline, Southwest, and Orleans) will experience a decrease in revenue due to the reallocation.

The proposed distribution formula percentage for each Law Enforcement Planning District is being revised as follows:

Law Enforcement Planning District	Existing Formula Distribution Percentage	Revised Formula Distribution Percentage
Northwest	11.07	12.20
North Delta	10.77	10.09
Red River	9.74	9.59
Evangeline	10.66	10.28
Capital	15.95	19.31
Southwest	10.44	10.11
Metropolitan	15.48	17.79
Orleans	15.89	10.63

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

The proposed rule has no known effect on competition and employment.

Jim Craft
Executive Director
2309#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Pharmacy Benefit Management Program
Over-the-Counter Coverage
(LAC 50:XXIX.107)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXIX.107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) issued guidance requesting that states consider removing the list of specific over-the-counter (OTC) drugs covered in the Medical Assistance Program from the Medicaid State Plan and include these OTC drugs in the provider manual. The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Pharmacy Benefit Management Program in order to remove references to specific OTC drugs from the *Louisiana Administrative Code* to align the administrative Rule with the Medicaid State Plan.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXIX. Pharmacy**

Chapter 1. General Provisions

§107. Prior Authorization

A. - C.3. ...

D. Drugs Excluded from Coverage. As provided by §1927(d)(2) of the Social Security Act, the following drugs are excluded from program coverage:

1. - 3. ...

4. select prescription vitamins and mineral products, except:

a. - n. ...

o. urinary PH modifiers (phosphorus, specifically K Phos Neutral and Phospha Neutral);and

5. select over-the-counter covered outpatient drugs as determined by the department.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriations Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), amended LR 45:665 (May 2019), LR 46:33 (January 2020), LR 48:1582 (June 2022), LR 49:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 26, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge,

LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Benefit Management Program—Over the Counter Coverage

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

It is anticipated that implementation of this proposed Rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the Pharmacy Benefit Management Program in order to remove references to specific over the counter (OTC) drugs covered in the Medical Assistance Program from the Louisiana Administrative Code. This action is a result of guidance issued by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services requesting that states consider removing the list of covered OTC drugs from the Medicaid State Plan and include these items in the provider manual, which requires a corresponding change to the administrative rule. Implementation of this proposed rule will not result in costs to pharmacy providers, small businesses, or the Medicaid Program in FY 23-24, FY 24-25, and FY 25-26, since this rule does not change the drugs that are currently covered in the Medicaid Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2309#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program

The Department of Health, Bureau of Health Services Financing proposes to repeal the following uncodified rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act:

Register Date	Title	Register Volume, Number	Page Number
December 20, 1978	Submission of physician claims	Volume 4, No. 12	511
January 20, 1982	Definition of "Physician services"	Volume 8, No. 1	9
April 20, 1982	Podiatry service implementation	Volume 8, No. 4	190
June 20, 1983	Cease payment for specimen collection	Volume 9, No. 6	412
August 20, 1983	Change in limits for outpatient hospital services	Volume 9, No. 8	551
December 20, 1985	MAP Delete prior authorization for surgical procedures	Volume 11, No. 12	1147
March 20, 1996	Chiropractic Care	Volume 22, No. 3	216-217
August 20, 1996	Reduction Mammoplasty	Volume 22, No. 8	713
February 20, 1997	Reimbursement for Medicare Part B Claims	Volume 23, No. 2	203
October 20, 1997	Professional Services Program - Chiropractic Care Services	Volume 23, No. 10	1320
December 20, 2000	Chiropractic Service— Termination of Services	Volume 26, No. 12	2792

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to repeal the above listed rules. These rules were promulgated prior to implementation of the Louisiana Administrative Code codification system, and it has been determined that the provisions of these uncodified rules are obsolete or are procedural requirements that are included in the provider manual and should be repealed.

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 26, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Professional Services Program

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$216 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule repeals professional services rules which were promulgated prior to implementation of the Louisiana Administrative Code codification system. It has been determined that the provisions of these uncodified rules are obsolete or procedural requirements that are included in the provider manual and should be repealed. It is anticipated that implementation of this proposed rule will not result in costs or benefits to Medicaid providers and small businesses in FY 23-24, FY 24-25, and FY 25-26, since the current provisions governing these programs and services are already accurately reflected in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2309#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

Targeted Case Management
(LAC 50:XV.Chapters 101-117)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XV.Chapters 101-117 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend the provisions governing targeted case management (TCM) under the New Opportunities Waiver, early and periodic screening, diagnosis and treatment, and the EarlySteps Program in order to clarify language and ensure the requirements for TCM services are accurately reflected throughout the administrative rule.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 7. Targeted Case Management
Chapter 101. General Provisions
§10101. Program Description**

A. - A.4. ...

B. The department utilizes a broker model of case management in which recipients are referred to other agencies for the specific services they need. These services are determined by individualized planning with the recipient's family or legal guardian and other persons/professionals deemed appropriate. Services are provided in accordance with a written comprehensive plan of care which includes measurable, person-centered outcomes.

C. Recipient Freedom of Choice. Recipients have the right to select the provider of their case management services from among those available agencies enrolled to participate in the program. If the recipient fails to respond, the department shall automatically assign them to an available provider. Recipients who are auto-assigned may change once to an available provider if they are more than 30 days but fewer than 45 days from auto assignment.

D. Recipients shall be linked to a case management agency for a six-month period before they can transfer to another agency unless there is good cause for the transfer. Approval of good cause shall be made by the LDH case management administrator. Good cause is determined to exist only under the following circumstances:

D.1. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:648 (May 1993), LR 23:732 (June 1997), repealed and promulgated LR 25:1251 (July 1999), repromulgated for inclusion in LAC, LR 30:1036 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1124 (August 2021), LR 49:

Chapter 103. Core Elements

§10301. Services

A. - A.1. ...

2. Case Management Assessment. Assessment is the process of gathering and integrating formal and informal information regarding a recipient's goals, strengths, and needs to assist in the development of a person centered comprehensive plan of care. The purpose of the assessment is to assess the support needs of the recipient for the provision of supports. The assessment shall be performed in the recipient's home or another location that the recipient's family or legal guardian chooses.

3. Comprehensive Plan of Care Development. The comprehensive plan of care (CPOC) is a written plan based upon assessment data (which may be multidisciplinary), observations, and other sources of information which reflect the recipient's needs, capacities, and priorities. The CPOC attempts to identify the supports required and the resources available to meet these needs.

a. The CPOC shall be developed through a collaborative process involving the recipient, family or legal guardian, case manager, other support systems, appropriate professionals, and service providers. It shall be developed in the presence of the recipient; therefore, it cannot be completed prior to a meeting with the recipient. The

recipient, family or legal guardian, case manager, support system, and appropriate professional personnel shall be directly involved and agree to assume specific functions and responsibilities.

b. For initial CPOCs for the Office for Citizens with Developmental Disabilities (OCDD), the CPOC shall be completed and submitted for approval within 60 calendar days of the referral for case management services, and initial CPOCs for early and periodic screening, diagnosis and treatment (EPSDT), the CPOC shall be completed and submitted within 35 days.

4. - 5.c. ...

6. Case Management Reassessment. Reassessment is the process by which the baseline assessment is reviewed and information is gathered for evaluating and revising the overall CPOC. A complete review of the CPOC shall be performed on a quarterly basis, at a minimum, to assure that the goals and services are appropriate to the recipient's needs as identified in the assessment/reassessment process. A reassessment is also required when a major change occurs in the status of the recipient and/or his family or legal guardian.

7. - 7.b....

B. In addition to the provision of the core elements, OCDD and the Bureau of Health Services Financing will allow two quarterly visits per year, that are not the initial visit or the annual plan of care visit, to be conducted virtually in lieu of face-to-face visits as long as the case meets the criteria set forth by the department for targeted and waiver case management services. The Children's Choice Waiver requires an in-home visit within six to nine months of the start of a plan of care. Additionally, an in-home visit is required for the annual planning meeting. For Supports Waiver, an in-home visit is required once a year. The remaining quarterly visits may occur at the vocational agency's location. The agency shall ensure that more frequent home visits are performed if indicated in the recipient's CPOC. The purpose of the home visit, if it is determined necessary, is to:

1. - 3. ...

C. The agency shall also ensure that the service provider and recipient are given a copy of the recipient's most current CPOC and any subsequent updates.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:648 (May 1993), LR 23:732 (June 1997), repealed and promulgated LR 25:1251 (July 1999), repromulgated LR 30:1036 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1125 (August 2021), LR 49:

Chapter 105. Provider Participation

§10501. Participation Requirements

A. - A.4. ...

B. The following are enrollment requirements applicable to all case management agencies, regardless of the targeted or waiver group served. Failure to comply with these requirements may result in sanctions and/or recoupment and disenrollment. The agency shall:

1. demonstrate direct experience in successfully serving the target population and shall have demonstrated knowledge of available community services and methods for accessing them, including:

a. the maintenance of a current file containing community resources available to the target population and established linkages with those resources;

b. demonstrating knowledge of the eligibility requirements and application procedures for federal, state, and local government assistance programs which are applicable to the target population served; and

c. the employ of a sufficient number of case manager and supervisory staff to comply with the staff coverage, staffing qualifications and the maximum caseload size requirements described in §§10503, Provider Responsibilities and 10701, Reimbursement.

2. demonstrate administrative capacity and financial resources to provide all core elements of case management services and ensure effective service delivery in accordance with LDH licensing and programmatic requirements;

3. submit a yearly audit consisting only of case management costs only and have no outstanding or unresolved audit disclaimer(s) with LDH;

4. assure that all agency staff is employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations. The subcontracting of individual case managers and/or supervisors is prohibited. However, those agencies who have Medicaid performance agreements for case management services may subcontract with another licensed case management agency for case manager and/or supervisory staff if prior approval has been obtained from the department;

5. assure that all new staff satisfactorily completes an orientation and training program in the first 90 days of employment. All case managers shall attend all training mandated by the department. Each case manager and supervisor shall satisfactorily complete case management related training annually to meet the minimum training requirements;

6. submit to the local governing entity (LGE) an agency quality improvement plan (QIP) for approval within 90 days of enrollment. Six months following approval of the QIP and annually thereafter, the agency shall submit an agency self-evaluation in accordance with departmental guidelines;

7. document and maintain recipient records in accordance with federal and state regulations governing confidentiality and licensing requirements;

8. assure the recipient's right to elect to receive or terminate case management services (except for recipients in any OCDD waiver). Assure that each recipient is offered freedom of choice in the selection of an available case management agency (per agency policy);

9. assure that the agency and case managers shall not provide case management and Medicaid reimbursed direct services to the same recipient(s) unless by an affiliate agency with a separate board of directors;

10. with the recipient's permission, agree to maintain regular contact, share relevant information and coordinate medical services with the recipient's qualified licensed physician or other licensed health care practitioner who is

acting within the scope of practice of his/her respective licensing board(s) and/or certification(s);

11. demonstrate the capacity to participate in the department's electronic data gathering system(s). All requirements for data submittal shall be followed and participation is required for all enrolled case management agencies. The software is the property of the department;

12. complete management reports; and

13. assure that all current and potential employees, contractors and other agents and affiliates have not been excluded from participation in any federal health care program by checking the Department of Health and Human Services' Office of Inspector General website and the LDH Adverse Actions website upon hire and monthly thereafter. Potential employees must also have a satisfactory response to a criminal background check as required by the EarlySteps program.

C. - C.13. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1037 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office of Citizens with Developmental Disabilities, LR 32:1608 (September 2006), amended LR 34:663 (April 2008), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1126 (August 2021), LR 49:

§10503. Provider Responsibilities

A. ...

B. Case management agencies shall maintain sufficient staff to serve recipients within the mandated caseload size of 35 with a supervisor to staff ratio of no more than eight case managers per supervisor. Agencies have the option to submit a written request to OCDD if they would like to exceed the 35 recipient maximum caseload per case manager on a time-limited basis. All exceptions to the maximum caseload size or full-time employment of staff requirements shall be prior authorized by the OCDD State Office Waiver Director/designee. All case managers shall be employed by the agency at least 40 hours per five business days and work at least 50 percent of the time during normal business hours. Case management supervisors shall be full-time employees and shall be continuously available to case managers. The agency shall have a written policy to ensure service coverage for all recipients during the normal absences of case managers and supervisors or prior to the filling of vacated staff positions.

C. The agency shall maintain a toll-free telephone number to ensure that recipients have access to case management services 24 hours a day, seven days a week. Recipients shall be able to reach an actual person in case of an emergency via answering service and not a recording.

D. ...

1. Each case management agency shall have a written job description and consultation plan that describes how the nurse consultant shall participate in the comprehensive plan

of care (CPOC) development for medically complex individuals and others as indicated by the high-risk indicators.

2. ...

3. The nurse consultant shall be available to the case management agency at least four hours per week, whether on-site or remotely.

E. - E.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1038 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1127 (August 2021), LR 49:

§10505. Staff Education and Experience

A. ...

B. Case managers hired or promoted on or after the effective date of this rule revision shall meet the following criteria for education and experience qualifications:

1. - 3. ...

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in accordance with §10505.B.3; or

5. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and the Bureau of Health Services Financing (BHSF).

C. Case management supervisors hired or promoted on or after the effective date of this rule revision, shall meet the following criteria for education and experience:

1. ...

2. a currently licensed registered nurse (RN) with at least two years of paid nursing experience; or

3. ...

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in §10505.C.3 and two years of paid post degree experience in providing support coordination services; or

5. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and BHSF.

D. Nurse Consultant. The nurse consultant shall meet the following educational qualifications:

1. ...

2. have at least one year of paid experience as a registered nurse in a public health or human service field providing direct recipient services or case management.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1038 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office

for Citizens with Developmental Disabilities, LR 32:1608 (September 2006), amended LR 34:663 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1700, 1701 (September 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1127 (August 2021), LR 49:

Chapter 109. Infants and Toddlers

§10901. Introduction

A. This Chapter authorizes federal financial participation in the funding of optional targeted case management service for title XIX eligible infants and toddlers who are ages birth through 2 inclusive (0-35 months) who have a developmental delay or established medical condition associated with developmental delay according to the definition contained in part C of the Individuals with Disabilities Education Act, Sec.635(a)(1) [20 USC 1435 (a)(1)] and as further defined in Title 34 of the Code of Federal Regulations, Part 303, Section 21 (infant or toddler with a disability).

B. - B.4. ...

C. Definitions

* * *

Parent—the term parent/legal guardian when used throughout this Subpart specifically in reference to parents or legal guardians of infants and toddlers aged birth through 2 inclusive (0-35 months) and having a developmental delay or an established medical condition associated with developmental delay refers to the definition of parent according to the Individuals with Disabilities Education Act, Part C and its accompanying regulations for Early Intervention Programs for Infants and Toddlers with Disabilities and therefore means the following:

a. - e. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:849 (August 1992), amended LR 20:18 (January 1994), repromulgated for inclusion in LAC, LR 30:1040 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1129 (August 2021), LR 49:

§10905. Staff Training

A. The provider shall ensure that Medicaid-funded family service coordination services for eligible beneficiaries are provided by qualified individuals who meet the following training requirements:

1. satisfactory completion of at least 16 hours of orientation prior to performing any family support coordination tasks and an additional 24 hours of related training during the first 90 days of employment. The 16 hours of orientation cover the following subjects:

* * *

2. The 24 hours of training to be completed within the first 90 days shall cover the following advanced subjects:

a. ...

b. child search and family support coordinator roles and responsibilities in depth;

c. - j. ...

B. In-service training specific to EarlySteps is to be arranged and coordinated by the regional coordinator and specific training content shall be approved by a subcommittee of the state Interagency Coordinating Council, including members from at least the Medicaid agency and the Department of Education. Advanced training in specific subjects (i.e., multidisciplinary evaluations and individualized family service plans) shall be completed by the new family service coordinator prior to assuming those duties.

C. The provider shall ensure that each family support coordinator has completed the required orientation and advanced training during the first 90 days of employment and at least 20 hours of approved in-service education in family service coordination and related areas annually.

D. The provider shall ensure that family support coordinators are supervised by qualified individuals who meet the following licensure, education, experience, training, and other requirements:

1. satisfactory completion of at least the 20 hours of family support coordination and related orientation required of family support coordinators during the first 90 days of employment before assuming supervision of any family service coordination;

2. supervisors shall also complete 20 hours of in-service training each year on such subjects as:

a. family support coordination;

D.2.b. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:849 (August 1992), amended LR 19:648 (May 1993), LR 20:18 (January 1994), repromulgated for inclusion in LAC, LR 30:1040 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1129 (August 2021), LR 49:

Chapter 113. Early and Periodic Screening, Diagnosis and Treatment

§11303. Recipient Qualifications

A. In order to be eligible to receive case management services, the EPSDT recipient shall be between the age of 0 and 21 and meet one of the following criteria:

1. - 2.a. ...

3. Documentation that substantiates that the EPSDT recipient meets the definition of special needs for case management services includes, but is not limited to:

a. - d. ...

e. a determination of developmental delay based upon:

i. - iii. ...

iv. an appropriate screening tool; or

v. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:2797 (December 2000) repromulgated for inclusion in LAC, LR 30:1042 (May 2004), amended by the

Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1130 (August 2021), amended LR 49:

Chapter 117. Individuals with Developmental Disabilities

§11703. Electronic Visit Verification

A. - A.1. ...

2. Reimbursement for services may be withheld or denied if a provider:

a. ...

b. uses the system in a manner that is not in compliance with Medicaid's policies and procedures for EVV.

3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1131 (August 2021), amended LR 49:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this

proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on October 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 26, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after October 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Targeted Case Management

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$2,484 (\$1,242 SGF and \$1,242 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$1,242 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing targeted case management (TCM) under the New Opportunities Waiver, early and periodic screening, diagnosis and treatment, and the EarlySteps Program in order to clarify language and ensure the requirements for TCM services are accurately reflected throughout the administrative rule. It is anticipated that implementation of this proposed rule will not result in costs to Medicaid providers or small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the provisions governing TCM services are clearly and accurately promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc
Medicaid Executive Director
2309#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Licensed Professional Counselors Board of Examiners

Social and Cultural Foundations
Continuing Education Requirement
(LAC:46:LX.611, 707, 3315, and 3503)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend the continuing education requirements for renewal applicants.

The Licensed Professional Counselors Board of Examiners hereby gives notice of intent to propose changes to Chapter 6, Section 611, Chapter 7, Section 707, Chapter 33, Section 3315, and Chapter 35, Section 3503 for publication in the September 20, 2023, edition of the *Louisiana Register* with the effective date of April 1, 2026.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 1. Licensed Professional Counselors

Chapter 6. Application, Practice, and Renewal Requirements for Provisional Licensed Professional Counselors

§611. Continuing Education Requirements for Provisional Licensed Professional Counselors

A. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics, one and a half hours must be accrued in social and cultural foundations, and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders 5*, as published by the American Psychiatric Association).

A.1. - B.2.h. ...

C. Approved Content Areas. Continuing education hours must be in one of the following 14 content areas:

1. - 2. ...

3. social and cultural foundations—includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles; an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities.

C.4. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 41:717 (April 2015), amended by the Department

of Health, Licensed Professional Counselors Board of Examiners, LR 49:

Chapter 7. Application and Renewal Requirements for Licensed Professional Counselors

§707. Renewal Requirements for Licensed Professional Counselors and Board Approved Supervisors

A. ...

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two years. Of the 40 clock hours of continuing education, 3 clock hours must be accrued in ethics, 3 hours must be accrued in social and cultural foundations, and 6 clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders 5*, as published by the American Psychiatric Association). A board-approved supervisor must accrue 3 clock hours (of the required 40 clock hours of continuing education) in supervision.

A.2. - B.2.i. ...

C. Approved Content Areas. Continuing education hours must be in one of the following 14 content areas:

1. - 2. ...

3. social and cultural foundations—includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles; an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities.

C.4. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:719 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 49:

Subpart 2. Professional Standards for Licensed Marriage and Family Therapists and Provisional Licensed Marriage and Family Therapists Chapter 33. Requirements for Licensure and Provisional Licensure

§3315. Application Practice, and Renewal Requirements for Provisional Licensed Marriage and Family Therapists

A. - E. ...

1. A provisional licensee must accrue 20 clock hours of continuing education by every renewal period every two years. Of the 20 clock hours of continuing education, one and a half clock hours must be accrued in ethics specific to marriage and family therapy, one and a half clock hours must be accrued in social and cultural foundations, and one and a half clock hours must be accrued in diagnosis (assessment, diagnosis, and treatment under the *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5) as published by the American Psychiatric Association on May 18, 2013). The required training in diagnosis, assessment, and treatment under the DSM-5 may

be specific to a particular condition and/or may be general training in diagnosis, assessment, and treatment. A generic ethics course is not acceptable.

1.a. - 2.c.ii. ...

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following eight areas.

a. - g. ...

h. Social and Cultural Foundations of Marriage and Family Therapy. Continuing education in this area shall contain such content as an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities.

F. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2787 (December 2003), LR 35:1114 (June 2009), LR 38:1966 (August 2012), LR 39:1806 (July 2013), LR 41:742 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1983 (October 2017), LR 45:1204 (September 2019), LR 47:1529 (October 2021), LR 49:

Chapter 35. Renewal of License for Licensed Marriage and Family Therapists

§3503. Continuing Education Requirements

A. - A.9. ...

10. A licensee must accrue three clock hours of training in the subject area of social and cultural foundations as defined in Subparagraph C.3.h. every renewal period.

11. Those licensed marriage and family therapists who hold another license that requires continuing education hours may count the continuing education hours obtained for that license toward their LMFT CEH requirements. Of the 40 CEHs submitted, however, 20 hours must be in the area of marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of systemic psychotherapeutic work with couples or families including three clock hours of ethics specific to marriage and family therapy and six clock hours specific to diagnosis.

12. The approval of and requirements for continuing education are specified in Subsection C.

B. - C.2.b.ii. ...

3. Continuing education hours must be relevant to the practice of marriage and family therapy and generally evolve from the following seven eight areas.

a. - g.

h. Social and Cultural Foundations of Marriage and Family Therapy. Continuing education in this area shall contain such content as an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), repromulgated LR 29:581 (April 2003), amended LR 29:2789 (December 2003), LR 41:752 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;

2. The effect on early childhood development and preschool through postsecondary education development;

3. The effect on employment and workforce development;

4. The effect on taxes and tax credits;

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;

2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by October 10, 2023, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Social and Cultural Foundations Continuing Education Requirement

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

The proposed rule will change the categorical requirements for continuing education standards for all licensees governed

by the Licensed Professional Counselors Board (LPC Board). The proposed rule change requires one and a half clock hours to be accrued in social and cultural foundations for provisional licensees and three clock hours for Licensed Professional Counselors and Licensed Marriage and Family Therapists. These hours will count toward the current requirement of twenty clock hours for provisional licensees and forty clock hours for Licensed Professional Counselors and Licensed Marriage and Family Therapists every two years.

The proposed rule change will result in a one-time cost of \$213 per page to print the Notice of Intent and Final Rule in the state register. The proposed rule changes are not anticipated to result in any other costs or savings for state or local governmental units.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes would require a specific type of training but would not increase the number of hours that are currently required to renew a license. The coursework that would be required is currently available from existing continuing education providers. The fees for social and multicultural foundations coursework are comparable with those for general continuing education hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to affect competition or employment.

Jamie S. Doming
Executive Director
2309#026

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Licensed Professional Counselors Board of Examiners**

**Supervision Requirement for Provisional Licensed
Professional Counselors
(LAC:46:LX.803)**

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to amend the supervision requirements for Provisional Licensed Professional Counselors to allow the discretion of the board-approved supervisor to determine if audiotapes and/or videotapes of counseling sessions shall be required as part of the supervision process.

The Licensed Professional Counselors Board of Examiners hereby gives notice of intent to propose changes to Chapter 8, Section 803 for publication in the September 20, 2023, edition of the *Louisiana Register*.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS REVISED**

**Part LX. Licensed Professional Counselors Board of
Examiners**

**Subpart 1. Licensed Professional Counselors
Chapter 8. Licensed Professional Counselor
Supervisors**

**§803. Supervised Experience of Provisional Licensed
Professional Counselors**

A. - A.3. ...

4. The process of supervision must encompass multiple modes of supervision, including regularly scheduled live observation of counseling sessions (where possible) and review of audiotapes and/or videotapes of counseling sessions, at the board approved supervisor's discretion. The process may also include discussion of the provisional licensed professional counselor's self-reports, microtraining, interpersonal process recall, modeling, role-playing, and other supervisory techniques. (Supervision as defined in these rules does not require the approved supervisor to be in the same room with the provisional licensed professional counselor during the provisional licensed professional counselor's provision of services to clients.)

5. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 41:722 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this

proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by October 10, 2023, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Supervision Requirement for Provisional Licensed Professional Counselors

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

Current rules require a supervisor of a provisional licensed professional counselor to utilize multiple modes of supervision, including review of audiotapes or videotapes of counseling sessions. The proposed rule provides that review of such tapes is to be done at the supervisor's discretion.

There will be a cost of \$213 per page to the LA Licensed Professional Counselors Board of Examiners ("LPC Board") to publish the Notice of Intent and Final Rule in the state register. The proposed rule changes are not anticipated to result in any other costs or savings for state or local governmental units.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to provide costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and employment.

Jamie S. Doming
Executive Director
2309#027

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Pipeline Safety (LAC 43:XI.3501)

The Department of Natural Resources, Office of Conservation proposes to amend 43:XI in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

Title 43

NATURAL RESOURCES

Part XI. Office of Conservation—Pipeline Division

Subpart 4. Carbon Dioxide

Chapter 35. Requirements

§3501. Operation, Construction, Extension, Acquisition, Interconnection or Abandonment of Carbon Dioxide Transmission Facilities (Formerly §703)

A. - G.4. ...

H. Certificate of public convenience and necessity shall be issued on the application of any qualified person upon the above findings. The commissioner may attach to any such certificate, and to the exercise of the rights granted thereunder, such reasonable terms and conditions as the public interest may require. Any facility to which a certificate of public convenience and necessity is issued by the commissioner under R.S. 30:4(C)(17) and these rules and regulations shall possess the right of expropriation with authority to expropriate private property under the general expropriation laws of the state, including R.S. 19:2(10) and R.S. 19:2(12).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(C)(17), R.S. 30:1104(A), and R.S. 30:1107.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 12:115 (February 1986), repromulgated LR 49:303 (February 2023), amended LR 49:904 (May 2023), LR 49:1096 (June 2023), LR 49:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Persons commenting should reference "CO2 regulation update". Such comments must be received no later than October 20, 2023, at 4:30pm, and should be sent to Michael Peikert,

Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; hand delivered at 617 North Third Street, Room 931, Baton Rouge, LA 70802 or by email to michael.peikert@la.gov. No preamble was prepared.

Monique M. Edwards
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pipeline Safety**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule changes are to amend the Carbon Dioxide section in Title 43 related to expropriation to include provisions of RS 19:2(12).

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

The proposed rule change is anticipated to have no effect on revenue collections of state and local government units. The proposed rule changes do not impose any new fees or change existing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Monique M Edwards
Commissioner
2309#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Driving Schools
(LAC 55:III.Chapter 1)

Under the authority of R.S. 32:402.1(A)(1) and R.S. 40:1461, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., the Office of Motor Vehicles hereby proposes to amend sections in Chapter 1, regarding driving schools. The amended sections, §145, §146, §147, §150, §151, §152, §154, §155, and §156 adds verbiage on training requirements for all new instructors/examiners, adds the requirement for obtaining a valid email address for each instructor, adds the requirement for prevention of sexual harassment course prior to licensing an instructor/examiner, removes the fee for adding or renewing a third party location, removes the fee for licensing an instructor as a third party examiner, adds verbiage for the schools to purchase equipment for students to take the OMV knowledge test electronically, removes the option for secondary schools to choose not to be third party testers,

adds due dates for sending in proof of continuing education annually instead of biennially, removes verbiage related to paper knowledge tests, adds verbiage on monitoring students during testing, changes the word destroyed to invalidated, changes verbiage of what items will be in the sealed envelope, takes out verbiage relative to securing the tests as they will now be electronic instead of paper, changes percent score on behind the wheel assessment to a point score, adds verbiage on when the 15 minute break must be given during driving sessions, adds verbiage of giving a road skills test in place of a behind the wheel assessment at the end of the 8 hours of driving based on the discretion of the instructor/examiner, and adds verbiage relative to OMV knowledge test being administered through approved means. These rules shall become effective upon the promulgation of the rule in the *Louisiana Register*.

**Title 55
PUBLIC SAFETY**

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§145. Qualifications for Private Driving School

Owners and Instructors

A. - A.13. ...

14. attend and successfully complete the training course for school owners provided by DPS. The applicant must pass a test on his knowledge of LAC 55:III.143-160;

A.15. - B.4. ...

5. attend and successfully complete all required training for an instructor/examiner provided by DPS.

6. maintain a valid email address for testing and training purposes, and promptly notify DPS in any changes of the email address.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1975 (August 2012), amended LR 43:1761 (September 2017), LR 45:1602 (November 2019), LR 49:

§146. Application Process and Fees for Private Driving Schools and Instructors

A. - C.1.f. ...

g. evidence of completion of a training course on the prevention of sexual harassment.

D. - E.3. ...

4. Repealed.

E.5. - F. 1. ...

2. Repealed.

3.

G. - L.14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1976 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015), LR 43:1762 (September 2017), LR 49:

§147. General Regulations for Private Driving Schools

A. - C.3. ...

D. The following is a list of recommended hardware, operating systems, and web browsers that will run the software approved by the Department. This list was provided

by the vender and should be followed as close as possible. If a school elects to not get the recommended devices the school will run the risk of the software not working correctly and will have to purchase other devices that will work. Additionally, failures in the testing process which adversely affects the student or the Department because the school elected not to follow these recommendations may cause the Department to issue an administrative violation against the school, the instructor, or both.

1. Testing Stations
 - a. Desktop/laptop computers:
 - i. Windows 10 or higher;
 - ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - iii. 4GB RAM or higher;
 - iv. 21.5" or higher screen recommended [1920x1080 resolution recommended];
 - v. Touch screen interface and no physical mouse/keyboard is recommended.
 - b. Chromebooks:
 - i. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - ii. 4GB RAM or higher;
 - iii. 13" or higher screen recommended [1920x1080 resolution recommended];
 - iv. touch screen interface and no physical mouse/keyboard is recommended.
 - c. Tablet devices:
 - i. Windows 10 or higher (if using a Windows table);
 - ii. Windows tablets have a script that can be uploaded and turn them into kiosks for easier access for students;
 - iii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - iv. 4GB RAM or higher;
 - v. 64 GB memory or higher;
 - vi. 10.1" or higher screen recommended [1920x1080 resolution recommended];
 - vii. Touch screen interface and no physical mouse/keyboard is recommended.
2. Control Station(s)
 - a. Desktop computers:
 - i. Windows 10 or higher;
 - ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - iii. 4GB RAM or higher;
 - iv. 64 GB memory or higher;
 - v. 21.5" or higher screen recommended [1920x1080 resolution recommended];
 - vi. physical mouse and keyboard.
 - b. Laptop computers:
 - i. Windows 10 or higher;
 - ii. industry standard web-browser with HTML5 support such as Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - iii. 4GB RAM or higher;

- iv. 64 GB memory or higher;
 - v. 13" or higher screen recommended [1920x1080 resolution recommended];
 - vi. physical mouse and keyboard.
- c. Chromebook:
 - i. industry standard web-browser with HTML5 support such Microsoft Edge Chromium, Google Chrome, or Mozilla Firefox;
 - ii. 4GB RAM or higher;
 - iii. 64 GB memory or higher;
 - iv. 13" or higher screen recommended [1920x1080 resolution recommended].
 3. Examples of tablet devices:
 - a. Window's based tablets and Surface Pro's;
 - b. Android based tablets (i.e., Samsung, Acer, etc.);
 - c. Amazon Fire tablets (if they meet all the recommended specifications).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2604 (December 2014), LR 41:2665 (December 2015), LR 43:1765 (September 2017), LR 45:1602 (November 2019), LR 49:

§150. Regulations and Policies for Secondary and Alternative School Driver Education Courses

A. - A. 8. ...

9. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1980 (August 2012), amended LR 43:1767 (September 2017), LR 49:

§151. Regulations and Policies for Secondary and Alternative School Driver Education Courses

A. - A. 19. ...

20. Driver education instructors shall participate in and provide evidence of completion of at least two separate courses from the following list to obtain credit for continuing education on an annual basis. Evidence of completion shall be submitted to OMV no later than December 31st for private/commercial driving schools and August 31st for secondary/alternative schools each calendar year. Credit shall be given only for courses that were completed during the appropriate licensing period, except that DPS may allow an instructor to take a course or courses in a subsequent licensing period if the instructor failed to meet the requirements of this paragraph for the immediately preceding license period. The same course cannot be submitted in consecutive years. The list includes:

A.20.a. - E.2. ...

3. Driving Schools shall purchase and provide electronic devices to students to complete the OMV knowledge test at the end of the classroom portion of the 30 hour or 6 hour course as provided in §147.D.

4. Each student who is administered the final knowledge test shall be notified, prior to testing, that he is subject to being retested by OMV at any time.

5. The classroom instructor shall monitor all students during the testing process.

6. Any student who fails the final exam shall be allowed to retest once the same day. If the student does not

pass the test on the second attempt, the student may return any day thereafter and retest twice each day until the test is passed.

7. Any student who fails the final exam shall be allowed to retest once the same day. If the student does not pass the test on the second attempt, the student may return any day thereafter and retest twice each day until the test is passed.

8. The Certificate of Completion shall be placed in a sealed envelope.

9. Students may not leave the classroom during the final examination. Electronic devices (tablets, PDAs, cell phones) for personal use shall not be allowed in the classroom during examinations. Electronic devices used for test administration are acceptable.

10. Students who cheat on the test will have the test invalidated and shall wait 30 days before retesting.

11. Schools and/or instructors that provide students with the answers to the test, teach only the information contained on the test, and assist a student to pass the final exam by deceptive practices, or accept bribes to give a student a passing score shall have their license/certification/agreement revoked.

12. Repealed.

F. - J.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1980 (August 2012), amended LR 41:151 (January 2015), LR 43:1767 (September 2017), LR 45:1603 (November 2019), LR 49:

§152. School Policies and Course Specifications

A. - B.1. ...

2. DPS' grading policy, indicating that a passing score of 80 percent on the classroom and a score of 70 points on the behind-the-wheel shall be achieved in order to be issued a driver education certificate of completion.

B.3. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1984 (August 2012), amended LR 43:1772 (September 2017), LR 49:

§154. Driver Education Curriculum

A. - D. ...

1. The behind-the-wheel portion of the curriculum will be limited to no more than 4 hours behind-the-wheel for each student daily with a 15-minute break after 2 hours driving time. This shall be required on any drive that is scheduled over 2 hours for that driving session. There shall be no more than two students in the vehicle with the instructor. Upon completion of the behind-the-wheel portion, a skills assessment shall be performed by the instructor. A behind the wheel assessment test shall be administered and the student shall attain a minimum score of 70 points or more to pass.

2. In lieu of a behind the wheel assessment, a road skills test shall may be administered and the student shall attain a minimum score of 80 points or more to receive a certificate of completion pass. This provision is offered to students that are 18 years or older and who's instructor

determines their skill level is high enough to go straight to a Driver's License.

3. The instructor shall gauge the driver's proficiency and provide feedback on the following skills:

- a. observation;
- b. communication;
- c. speed adjustment;
- d. vehicle positioning;
- e. time and space management; and
- f. hazard perception.

4. Student Assessment. During the last driving session with the student, the instructor shall perform a skills test to determine the student's ability to safely operate a vehicle. A minimum score of 70 percent shall be attained to pass the driver education course.

5. Upon completion of the eight-hour behind-the-wheel course, the instructor shall complete an in-depth assessment of the student's performance over each maneuver and skills covered above. The assessment shall be provided to the student and parent (if a minor) as a tool to continue driving instruction:

- a. visual search;
- b. space management;
- c. appropriate speed choices;
- d. attention (distractions);
- e. emergency evasive actions;
- f. physical control of the vehicle;
- g. pre-trip preparation;
- h. backing up;
- i. accelerating and braking;
- j. left turn;
- k. right turn;
- l. proper lane usage;
- m. lane change;
- n. obeying traffic signs and signals; and
- o. stopping.

6. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of 70 percent on the eight-hour behind-the-wheel portion of the course.

E. - E. 4. ...

5. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of 70 points on the eight-hour behind-the-wheel assessment or 80 points on the road skills test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1985 (August 2012), amended LR 38:3235 (December 2012), amended LR 43:1773 (September 2017), LR 49:

§155. Third-Party Tester/Examiner Requirements

A. R.S. 32:408 requires all driver education providers to become certified as third-party testers. All testers/examiners shall:

1. - 3.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1989

(August 2012), amended LR 38:3235 (December 2012), repromulgated LR 39:98 (January 2013), amended LR 40:2603 (December 2014), LR 43:1777 (September 2017), LR 49:

§156. Application Process and Fees for Third-Party Testers/Examiners

- A. - A.1. ...
- 2. Repealed.
- A.3. - C. 2. ...
- 3. Repealed.
- C.4. - D.3. ...
 - a. Repealed.
 - 3.b. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1990 (August 2012), amended LR 40:2603 (December 2014), LR 43:1777 (September 2017), LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through October 11, 2023, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, or faxed to (225) 925-6303.

Public Hearing

A public hearing on the proposed Rule will be held on October 27, 2023, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806, (225) 925-6281, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Karen St. Germain
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Driving Schools**

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

The proposed rule will not result in any costs or savings to state or local governmental units.

The proposed rule was prompted by Act 176 of the 2023 Regular Session which allows a driving skills test administered by a properly licensed third party examiner to driver education requirements for those eighteen years of age and older; to provide and to remove the requirement that licensed and contracted driving instructor training schools or agencies also become licensed third-party testers; and to designate third-party examiner as a licensed and contracted administrator of knowledge and driving skills test required for Class "D" or "E" license.

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

The proposed rule implements Act 176 of the 2023 regular Session which eliminated the requirements that owners and instructors had to pay a separate third party tester/examiner fee to be authorized to administer the knowledge and skills test. This will have an impact on state governmental revenue by reducing self-generated fees in the Office of Motor Vehicles (OMV). The agency estimates a revenue decrease of \$16,781 in FY 24, \$84,435 in FY 25, and \$16,781 in FY 26. However, no local governmental unit revenues are impacted.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will economically benefit owners and instructors that previously had to pay a separate fee to be authorized to administer the knowledge and skill tests.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition and employment.

Karen G. St. Germain
Commissioner
2309#052

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Public Tag Agents (LAC 55:III.1603)

Under the authority of R.S. 47:532.1, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles hereby proposes to amend §1603 within Chapter 16 regarding public tag agents. The amended section addresses the type of agent that may qualify to become a public license tag agent. This Rule shall become effective upon the promulgation of the Rule in the *Louisiana Register*.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 16. Public Tag Agents

§1603. Authority, Businesses, and Government Entities

A. R.S. 47:532.1 authorizes the commissioner to establish a system of public tag agents authorized to collect

the registration license taxes, as well as applicable sales and use taxes, and issue registration certificates and license plates to motor vehicles. An agent may be either a local governmental subdivision, including a municipal or parish governing authority, a political subdivision, a state agency, a new motor vehicle dealer or his agent, or an auto title company. Public tag agents shall also be authorized to receive and process applications filed for certificates of title, duplicate certificates of titles, corrected certificates of title, recordation of liens, mortgages, or security interests against motor vehicles, conversions of plates, transfers of plates, replacements of lost or stolen plates and/or stickers, renewals of registration, duplicate registrations, and additional applications or transactions authorized by the commissioner.

B. The commissioner and a public tag agent shall enter into a contract, which shall state the required procedures for the implementation of authorized activities. See §1569 for a copy of the contract.

C. With the exception of the requirements for a surety bond, all rules and regulations as well as all contractual provisions shall apply to municipal and parish governing authorities acting as public tag agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999), repromulgated LR 49:330 (February 2023), LR 49:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through October 11, 2023, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, or faxed to (225) 925-6303.

Public Hearing

A public hearing on the proposed Rule will be held on October 27, 2023, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, La. 70806, (225) 925-6281, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special

services should contact the above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Karen St. Germain
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Public Tag Agents

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

The proposed rule will not result in any costs or savings to state or local governmental units. The proposed rule authorizes local governmental subdivisions, political subdivisions, or state agencies as eligible agents that may qualify to become a public license tag agent.

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

The proposed rule will have no impact on current revenue collections of state or local governmental units. If a local governmental subdivision or a political subdivision chooses to become a public tag agent as a result of this proposed rule, there could be a potential increase in their revenue collections. However, the number that may become a public tag agent is indeterminable at this time.

ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will not have any effect on the estimated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition and employment.

Karen G. St. Germain
Commissioner
2309#053

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Electric and Hybrid Vehicles
(LAC 61:I.5501)

Under the authority of R.S. 47:1511 and 32:461, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to propose to adopt LAC 61:I.5501.

Louisiana Revised Statutes 32:461 imposes a road usage fee on all electric and hybrid propelled vehicles operated upon the highways of this state and required to be registered in this state. The proposed Rule provides for proration of the fee and additional guidance regarding by whom the road usage fee is due and notice to be given to owners of electric and hybrid vehicles. The proposed Rule has been

promulgated in consultation with the Department of Transportation and Development.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 55. Electric and Hybrid Vehicles

§5501. Electric and Hybrid Vehicle Road Usage Fee

A. Definitions. The following definitions supplement those contained in R.S. 32:461(B).

Auto Title Companies—shall have the same meaning as ascribed in R.S. 32:702(4).

Dealer—shall have the same meaning as ascribed in R.S. 32:702(7)(a).

Public License Tag Agents—a participant in a system, to include parish governing authorities, licensed new or used motor vehicle dealers or their agents, auto title companies and other entities authorized pursuant to R.S. 47:532.1, to receive and process applications filed for certificates of title, recordation of liens, mortgages, or security interests against motor vehicles, and other actions relative to the transfer of title of vehicles.

B. Application

1. The annual road usage fee imposed by R.S. 32:461 on electric and hybrid vehicles operated on the highways in Louisiana applies to:

- a. vehicles registered in Louisiana; and
- b. vehicles registered in another state but which are operated on the highways of Louisiana and required to be registered in Louisiana pursuant to R.S. 47:513, including company vehicles by resident employees, owners with dual- or multiple state residences, or other situations of permanent use.

c. Dealers possessing electric and hybrid vehicles for use on the roads of Louisiana where the vehicle is registered to the dealer as a demonstrator model or assigned “dealer” license plates. The road usage fee does not apply to vehicles used only for test drives.

2. An electric vehicle or hybrid vehicle that is a school bus primarily used to transport Louisiana students is exempt from the road usage fee.

C. Reporting Requirements

1. For individuals, the fee shall be reported on the Louisiana individual income tax return or on Form R-19000, Electric and Hybrid Vehicle Road Usage Fee on or before the statutory due date of May 15.

2. For businesses or other entities, the fee shall be reported on Form R-19000 on or before the statutory due date of May 15.

3. If the fee is reported to the department on Form R-19000, then payment must be remitted with submission of the form.

D. Prorated fees.

1. A vehicle registered in Louisiana for less than one year shall be subject to a partial fee to include all months of registration for that year, with any portion of a month being counted as a whole. For example, a vehicle registered on any day in March of a year will pay a prorated fee to include March through December of that year, or 10 months.

2. A vehicle registered in another state and required to be registered in Louisiana pursuant to R.S. 47:513 shall be

subject to a partial fee based on the number of months it is operated on the highways of Louisiana.

3. The prorated fee schedule shall be as follows:

Electric Vehicles		Hybrid Vehicles	
Months Registered/ Operated in Louisiana	Fee	Months Registered/ Operated in Louisiana	Fee
1	\$9	1	\$5
2	\$18	2	\$10
3	\$28	3	\$15
4	\$37	4	\$20
5	\$46	5	\$25
6	\$55	6	\$30
7	\$64	7	\$35
8	\$73	8	\$40
9	\$82	9	\$45
10	\$92	10	\$50
11	\$101	11	\$55
12	\$110	12	\$60

E. Notification Required

1. Dealers selling or leasing electric and hybrid vehicles shall provide written notification to the purchaser or lessee at the time of sale, or no later than January 31 following the year of purchase or beginning of the lease, of the purchaser’s or lessee’s obligation to remit the road usage fee to the Department of Revenue.

2. Auto title companies and other public license tag agents not provided for in Paragraph 1 of this Subsection that process vehicle transactions, including but not limited to sale, donation, transfer, or for the relocation of vehicles from another state, shall provide written notification to the purchasing or transferee owner of the obligation to remit the road usage fee to the Department of Revenue.

3. The notification required in Paragraphs 1 and 2 shall:

- a. inform the owner or lessee of the amount of the annual fee, \$110 for electric vehicles and \$60 for hybrid vehicles and the prorated fee schedules;
- b. inform the vehicle owner or lessee of the permissible reporting methods outlined in Subsection C; and
- c. inform the vehicle owner or lessee of the May 15 due date of the fee.

4. The notification required by this Subsection shall be provided by hand delivery, U.S. Mail, email, text message, or any means that can be verified through records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 32:461.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:

Family Impact Statement

The Rule will not have a measurable impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy as the fee will be off-set against the cost of motor vehicle fuel that would be purchased through ordinary operation of a fuel propelled vehicle. The Rule should have no other known or foreseeable impact on:

- 1. the stability of the family;
- 2. the authority and rights of parents regarding the education and supervision of their children;
- 3. the functioning of the family;
- 4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the provider to provide the same level of service;

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Johnette L. Martin, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., October 24, 2023.

Public Hearing

A public hearing will be held on October 25, 2023 at 10 a.m. in the Calcasieu Room located on the 2nd floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Electric and Hybrid Vehicles

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

Act 578 of the 2022 Regular Legislative Session levies an annual road usage fee not to exceed \$110 per year on each electric vehicle and an annual road usage fee not to exceed \$60 per year on each hybrid vehicle operated on state highways which are required to be registered in Louisiana in accordance with current law. The fee is to be paid by the owner on a calendar year basis and shall be due on or before May 15th for the preceding year in which the vehicle was operated upon the highways of Louisiana. Exempt from the fee are any electric or hybrid vehicles that are school buses used primarily for transporting Louisiana students. It is anticipated that implementation will incur costs of approximately \$61,680 for IT related expenses.

The agency currently has sufficient funds to implement the proposed rule.

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

Per the fiscal note for HB 1031 (Act 578) of the 2022 Regular Session, the law for which this rule is being promulgated, revenue is expected to increase for the constitutionally dedicated Construction Subfund of the Transportation Trust Fund and the Parish Transportation Fund by an indeterminable amount. The law levies a road usage fee not to exceed \$110 per year on each electric vehicle and an annual road usage fee not to exceed \$60 per year on each

hybrid vehicle operated on state highways which are required to be registered in Louisiana in accordance with current law.

Due to the limited information available to the Department to identify vehicles subject to the road usage fee, collections will heavily rely on voluntary compliance, which could significantly reduce collections below those anticipated when the law was contemplated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Owners of electric and hybrid vehicles registered in Louisiana will be directly affected by the imposition of the fees and the additional paperwork, but the anticipated impact will be minimal. Dealers selling or leasing, auto title companies, and other public license tag agents that process electric and hybrid vehicle transactions are required to provide written notification to the purchaser, lessee, or transferee owner of the obligation to remit the road usage fee to the Department of Revenue annually. Since the notification may be provided by hand delivery, U.S. Mail, email, text message, or any other verifiable means, the anticipated costs are expected to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition or employment.

Kevin J. Richard, CPA
Secretary
2309#035

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Income Exemption for Digital Nomads (LAC 61:I.1357)

Under the authority of R.S 47:297.18 and 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 9:950 et seq., the Department of Revenue, Policy Services Division, (“the Department”) proposes to adopt LAC 61:I.1357 relative to the Louisiana individual income tax exemption for individual taxpayers who qualify as digital nomads.

R.S. 47:293(9)(a)(xxii) and 47:297.18, provide an individual income tax exemption for digital nomads, as defined therein. The digital nomad exemption authorizes individuals who qualify as a digital nomad to exempt up to 50 percent of their gross wages from state income tax, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025. The primary purpose of this proposed regulation is to implement R.S. 47:293(9)(a)(xxii) and 47:297.18 as enacted by Act 387 of the 2021 Regular Session while providing guidance to taxpayers seeking to claim the digital nomad exemption.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 13. Income: Individual

§1357. Income Exemption for Digital Nomads

A. General Description

1. The Digital Nomads Exemption provides a state individual income tax exemption for digital nomads, as defined by R.S. 47:297.18, equal to 50 percent of their gross

wages, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025.

2. The exemption applies only to gross wages received for remote work performed as a digital nomad in Louisiana.

B. Definitions. For the purposes of this Section, the following terms shall have the meaning ascribed therein.

Coworking Space—a membership-based workspace where diverse groups of freelancers, remote workers, and other independent professionals work together in a shared, communal setting.

Department—the Louisiana Department of Revenue or its successor.

Employee—as defined in R.S. 47:111(A).

Employer—as defined in R.S. 47:111(B).

Full-Time Remote Worker—a remote worker employed on average for at least 30 hours of remote service per week.

Nonresident Business—any business entity that has not filed nor is required to file any state tax return in Louisiana for taxable periods beginning on or after January 1, 2021; has no employees other than those who qualify as digital nomads working remotely, agents, or independent contractors within the state; is not registered to do business in the state; and is not transacting business with residents of the state or otherwise availing itself of Louisiana's economic market.

Remote Work Agreement—an agreement signed by the employer and the participating employee that defines the terms of a remote working arrangement, including the number of days per year the participating employee will work remotely and any restrictions on the place from which the participating employee will work remotely.

Remote Work—work performed within the ordinary course and scope of employment on a workday that ordinarily would be performed at the employer's work location, from an approved worksite other than the employer's work location.

C. Eligibility

1. To qualify as a digital nomad for the purposes of this exemption, an individual must meet the following criteria:

a. establish residency in Louisiana after December 31, 2021;

b. be a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health insurance issuer for major medical health insurance coverage;

c. work remotely full-time for a nonresident business;

d. must have the intent to work remotely in Louisiana prior to establishing residency;

e. must file a Louisiana resident or part-year resident individual income tax return for the taxable year in which they are claiming the exemption;

f. must not have been a resident or domiciliary of Louisiana for any of the three years immediately preceding the establishment of residency or domicile after December 31, 2021;

g. must not have been required to file a Louisiana resident or part-year resident individual income tax return for any of the three years prior to claiming the exemption and;

h. performs the majority of employment duties in Louisiana either remotely or at a co-working space.

2. Any nonresident service member of the Armed Forces of the United States of America and any spouse of a nonresident service member of the Armed Forces of the United States of America who meets the eligibility requirements of Paragraph 1 of this Subsection may qualify for the digital nomads exemption if:

a. the nonresident service member is present in Louisiana in compliance with the nonresident service member's military orders;

b. the spouse is not a resident or domiciliary of Louisiana; and

c. the spouse is present in Louisiana solely to be with the nonresident service member.

3. Illustrative Examples. For each of the examples below, it shall be assumed that the eligibility requirements of Paragraph 1 of this Subsection have been met unless otherwise stated and the taxpayer continues qualifying employment for the second consecutive year.

a. A nonresident taxpayer working remotely full-time for a nonresident business relocates to and establishes residency in Louisiana on January 15, 2023, and continues to work remotely for the same nonresident business. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

b. A nonresident taxpayer working remotely full-time for a nonresident business relocates to and establishes residency in Louisiana on January 15, 2023, and continues to work remotely for the same nonresident business. However, the taxpayer failed to timely apply for the exemption. The taxpayer does not qualify for the income exemption for digital nomads for the second year because he was required to file a Louisiana resident or part-year resident individual income tax return for tax year 2023.

c. A nonresident taxpayer working remotely full-time for a nonresident business relocates to Louisiana on March 24, 2023, solely to reside with their spouse who is a nonresident member of the Armed Forces of the United States of America stationed in Louisiana. The nonresident taxpayer continues to work remotely for the same nonresident business. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

d. A nonresident taxpayer working remotely full-time for nonresident business "A" relocates to and establishes residency in Louisiana on May 23, 2023. The taxpayer terminates employment with nonresident business "A" on July 2, 2023, and begins full-time remote employment with nonresident business "B" on July 3, 2023. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

e. A nonresident taxpayer working remotely full-time for nonresident business "A" relocates to and establishes residency in Louisiana on May 23, 2023. The taxpayer terminates employment with nonresident business "A" on July 2, 2023, and begins full-time remote employment with a resident business on July 3, 2023. The taxpayer will qualify for the income exemption for digital nomads for the income earned while working for nonresident business "A" for tax year 2023. However, the taxpayer does not qualify for the exemption for the second year.

f. A nonresident taxpayer relocates to and establishes residency in Louisiana on September 22, 2023 and begins working in person full-time for a resident business. The taxpayer terminates employment with the resident business and begins full-time remote employment with a nonresident business on October 30, 2023. The taxpayer does not qualify for the income exemption for digital nomads because he relocated to Louisiana for in-person employment with a resident business not as a remote worker for a nonresident business.

g. A nonresident, unemployed taxpayer relocates to and establishes residency in Louisiana on January 15, 2023 with an offer of employment to begin employment as full-time remote worker with a nonresident business on February 1, 2023. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

h. A nonresident, unemployed taxpayer relocates to and establishes residency in Louisiana on January 15, 2023. Taxpayer subsequently finds and begins employment as full-time remote worker with a nonresident business on March 30, 2023. The taxpayer does not qualify for the income exemption for digital nomads because he had no intent to relocate to Louisiana to work remotely.

D. Limitations

1. The department may approve no more than 500 taxpayers for the life of the program. A taxpayer may be approved for the exemption for a second year after receiving recertification.

2. No exemption is authorized for any wages earned by a digital nomad after December 31, 2025.

E. Application

1. Beginning January 1, 2023, taxpayers seeking to claim the digital nomad income tax exemption must apply each year by submitting Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount. This annual application requirement applies to all taxpayers, including those who are applying for recertification for their second year of eligibility.

2. The application period for calendar year 2022 shall begin on February 1, 2023 and conclude on March 31, 2023. Thereafter, the application period shall begin on February 1 and conclude on March 31 of each subsequent calendar year for the prior year. If the start or end date falls on a weekend or holiday, the date will be the next business day. Applications may not be submitted and will not be accepted prior to, or subsequent to, the application period. Eligible applications shall be approved by the department on a first-come, first-served basis as determined by the received date and time of a completed digital nomad exemption application. An application shall not be considered complete until all information requested by the Department has been received.

3. Taxpayers must electronically submit Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount to the Department for review by submitting their application to DigitalNomadExemption@La.gov. A taxpayer is approved upon satisfactorily demonstrating that they have met the requirements of Subsection C of this Section during the calendar year.

4. Only applications concerning eligibility of gross wages earned for remote work performed by a digital nomad

in the prior calendar year may be submitted and considered for purposes of the exemption.

5. Each application must contain an applicant's home mailing address, applicant's Social Security number, a copy of the applicant's remote work agreement, a copy of applicant's W-2 for the year for which the application is submitted, a copy of the first and last pay stub from applicant's employer for the year for which application is submitted, a copy of the first and last pay stub from applicant's employer for the dates that applicant worked remotely for the year for which application is submitted, and a copy of the applicant's Louisiana driver's license and voter registration card.

F. Certification

1. After review and determination of qualification, the Department shall provide a copy of the completed Form R-90006 to the taxpayer no later than April 30 of each calendar year notifying them as to whether their application has been approved or denied. If approved, the form shall notify the taxpayer of the amount eligible for the exemption, not to exceed 50 percent of the taxpayer's gross wages earned as a digital nomad, limited to \$150,000. If denied, the form shall provide the reasons for denial.

G. Claiming the Exemption.

1. Resident individual taxpayers shall make a modification on Schedule E of their Louisiana Form IT-540, Louisiana Resident Income Tax Return, in accordance with La. R.S. 47:297.18. A part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, Louisiana Nonresident and Part-Year Resident Income Tax Return.

2. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by La. R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:297.18 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:

Family Impact Statement

The proposed Rule to LAC 61:I.1357, regarding the digital nomad exemption, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that this proposed Rule should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with

health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Tuesday, October 24, 2023.

Public Hearing

A public hearing will be held on Wednesday, October 25, 2023, at 9:00 A.M. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Income Exemption for Digital Nomads

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

The purpose of the proposed rule is to implement the provisions of R.S. 47:293(9)(a)(xxii) and 47:297.18 enacted by Act 387 of the 2021 Regular Session of the Louisiana Legislature. Act 387 provides an individual income tax exemption for digital nomads. Individuals who meet the requirement of a digital nomad are allowed to exempt 50% of their gross wages, not to exceed \$150,000. The exemption only applies to gross wages resulting from services performed and earned from full-time remote work for a nonresident business. To qualify, the individual must have major medical insurance. The exemption applies for up to two taxable years during taxable years 2022, 2023, 2024, and 2025 and is limited to 500 eligible taxpayers. Louisiana Department of Revenue ("LDR") incurred one-time costs of \$25,680 in FY 23 for computer system development and modification, tax form redesign, and testing.

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

The proposed rule would cause an indeterminable decrease to the State General Fund beginning FY 23 and ending primarily in FY 26. The decrease to the state general fund is indeterminable because the number of individuals and the amount of income that may qualify for the program is speculative. The amount of income tax foregone cannot be determined. It is possible that some individuals qualifying for the exemption would relocate to the state regardless of the tax exemption. While the bill authorizes up to 500 participants for the life of the program, the number of actual participants may be materially lower than that with only small consequent state fiscal impacts.

There is no anticipated direct material effect on local governmental revenues as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will reduce the income tax liability of qualifying taxpayers in the form of an exemption of income to arrive at taxable income under LA R.S. 47:293(9)(a)(xxii) and 47:297.18. Individuals seeking the exemption will need to establish residency in Louisiana and work remotely for a nonresident business. The individual may incur moving and job searching expenses which could be offset by the reduction in tax liability as a result of the exemption. Due to the availability of the exemption, some employers may experience an increase in employees requesting to relocate and associate paper work but that should also be minimum.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule incentivizes individuals to move to Louisiana to work remotely for a nonresident business. Since the program is limited to 500 individuals, the exemption may result in an immaterial increase in employment in Louisiana.

Kevin J. Richard, CPA
Secretary
2309#016

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Income Tax Return Filing Extensions (LAC 61:III.2503)

Under the authority of R.S. 47:287.614(D) and 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:III.2503 relative to corporation income and franchise taxes filing extensions.

R.S. 47:287.614(D) authorizes a six-month extension for corporation income tax if the taxpayer timely requested an extension for federal income tax purposes. The primary purpose of these proposed amendments is to provide additional guidance to taxpayers seeking an extension for filing corporation income and franchise tax returns.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions Chapter 25. Returns

§2503. Corporation Income and Franchise Tax Filing Extensions

A. - A.3.c. ...

B. For taxable periods beginning on or after January 1, 2022 the secretary shall grant an extension of time to file a state corporation income and franchise tax return for the same extended period of time as the taxpayer's federal extension, or six-months, whichever is later, with no state extension request required.

1.

2. Taxpayers described under Internal Revenue Code Section 6072(b) and (d) whose federal due date is after the Louisiana due date will be considered to have requested a federal extension and shall receive a six-month extension.

3. Taxpayers in a federally declared disaster area receiving an extension of time to file pursuant to Internal Revenue Code Section 7508A will be considered to have requested a federal extension and shall receive a six-month extension.

4. A taxpayer must mark the box on the CIFT-620, Louisiana Corporation Income and Franchise Tax Return, noting that they have timely applied for a federal extension for the same taxable period.

a. If approved for a federal extension, a taxpayer should retain a copy of their approval determination letter Federal Form 6513, Extension of Time to File, or other material evidencing that their federal extension has been approved.

b. Failure to obtain an approved federal extension shall result in the Louisiana extension being null and void and shall result in delinquent filing penalties being assessed from the original due date.

i. If a taxpayer requested reconsideration of a denied federal extension and the extension is subsequently approved, the taxpayer must attach all documents required by the IRS for approving the reconsideration request to their return in addition to a statement from the IRS or the taxpayer that the reconsidered extension request has been approved.

ii. If a taxpayer requested reconsideration of a denied federal extension and the extension request remains denied, the taxpayer must file their return without further delay and attach the IRS statement informing the taxpayer that their reconsidered extension request remains denied.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.614(D) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 36:552 (March 2010), amended LR 39:99 (January 2013), amended LR 49:702 (April 2023), LR 49:

Family Impact Statement

The proposed amendment of LAC 61:III.2503, regarding income tax filing extensions for corporation income and franchise tax returns, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed amendment will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to

accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed amendment will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Tuesday, October 24, 2023.

A public hearing will be held on Wednesday, October 25, 2023, at 9:30 A.M. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Income Tax Return Filing Extensions

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

No material impact to costs of state or local governmental units is expected as a result of this rule change. The purpose of this proposed rule amendment to LAC 61:III.2503 is to provide relief to certain taxpayers unintentionally affected by Act 410 of the 2022 Regular Session. Along with automatic filing extensions for individual, partnership, and fiduciary income tax, Act 410 provided for a filing extension of the corporation income tax return if one was timely requested for federal purposes. It is worth noting that Act 410 provides only for an extension for filing. The deadline to pay any income taxes due is not extended beyond the original due date of the return. The proposed amendment provides guidance to corporate taxpayers described under Internal Revenue Code Section 6072(b) and (d) whose federal due date is after the Louisiana due date and taxpayers located in a federally declared disaster area receiving an extension of time to file pursuant to Internal Revenue Code Section 7508A prior to the state filing deadline.

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

No material impact on the revenue collections of local governmental units is anticipated. Act 410 provides a six-month extension to corporation income taxpayers who timely request an extension to file their federal income tax return. The Act also accrued penalty assessments back to the original filing deadline instead of the extension date. The state net revenue impact of the proposed rule changes for implementation of Act 410 promulgated in October 2022 was estimated to be an annual revenue loss of approximately \$1.9 million. This loss estimate resulted from the late filing penalties that would have otherwise been due between the return's original filing deadline and the return's extended due date under the Act offset by increased penalties due to the assessment accrual change. This

proposed amendment would not cause an additional impact beyond those already estimated, which will be tempered in reality by actual taxpayer behavior and tax liabilities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Corporate income taxpayers whose federal due date is after the Louisiana due date will now be granted a state extension. The savings should be immaterial for accounting firms since the number of taxpayers is small. Corporate income taxpayers located in a federally declared disaster area will also receive a state extension if one was granted for federal purposes. The savings from this aspect of the rule could be material for larger accounting firms depending on the number of clients in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated.

Kevin J. Richard, CPA
Secretary
2309#017

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program (LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, captured in another fisherman's gear, or from having the floats cut by propellers. The removal of these traps is necessary to keep Louisiana's coast pristine and to facilitate improvement in the blue crab stock.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2; Volume 45, Number 12; Volume 46, Number 11; Volume 47, Number 11; Volume 48, Number 11*). The Wildlife and Fisheries Commission took action on August 3, 2023 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2024 through 11:59 p.m. February 14, 2024 within St. Bernard Parish as described below:

1. from a point originating at the most northeastern corner of Proctor Point in Lake Borgne (29 degrees 56 minutes 47.47 seconds north latitude, 89 degrees 42 minutes 54.25 seconds west longitude); thence easterly along 29 degrees 56 minutes 47.47 seconds north latitude to a point northeast of Lake Eugenie on Redfish Bayou (29 degrees 56 minutes 47.47 seconds north latitude, 89 degrees 24 minutes 00.00 seconds west longitude); thence southerly along 89 degrees 24 minutes 00.00 seconds west longitude past Gardner Island to a point located on the western bank of the Mississippi River Gulf Outlet (MRGO) (29 degrees 41 minutes 01.62 seconds north latitude, 89 degrees 24 minutes 00.00 seconds west longitude); thence northwesterly following the western bank of the MRGO to the intersection of Bayou La Loutre; thence westerly following the southern bank of Bayou La Loutre to its intersection with the western bank of Shell Beach Cut (29 degrees 50 minutes 28.27 seconds north latitude, 89 degrees 41 minutes 23.38 seconds west longitude); thence northerly following the western bank of Shell Beach Cut to its entry point at Lake Borgne (29 degrees 51 minutes 54.53 seconds north latitude, 89 degrees 40 minutes 32.52 seconds west longitude); thence westerly following the southern bank of Lake Borgne as it makes its northern turn at Proctor Point and terminating at the origin.

B. The use of crab traps shall be prohibited for 14 days from 12:00 a.m. February 1, 2024, through 11:59 p.m. February 14, 2024, within portions of Plaquemines Parish as described below:

1. from a point originating at the intersection of the south bound lane of Highway 23 and the Doullut Canal (29 degrees 23 minutes 02.72 seconds north latitude, 89 degrees 36 minutes 10.11 seconds west longitude); thence southerly along Highway 23 to its intersection with Jump Basin Road; thence southerly on Jump Basin Road as it transitions into Tide Water Road; thence southerly to the end of Tide Water Road as it intersects the eastern shoreline of Red Pass (29 degrees 13 minutes 52.41 seconds north latitude, 89 degrees 23 minutes 26.64 seconds west longitude); thence southwesterly along the eastern shoreline of Red Pass to its intersection with the shrimp inside-outside line (29 degrees 12 minutes 34.02 seconds north latitude, 89 degrees 28

minutes 10.65 seconds west longitude); thence westerly along the shrimp inside-outside line to its intersection with the western shoreline of Bayou Fontanelle (29 degrees 15 minutes 55.67 seconds north latitude, 89 degrees 36 minutes 28.71 seconds west longitude); thence northerly along the western shoreline of Bayou Fontanelle to its intersection with the eastern shoreline of Bayou Long (29 degrees 18 minutes 19.65 seconds north latitude, 89 degrees 36 minutes 05.23 seconds west longitude); thence westerly to the western shoreline of Bayou Long (29 degrees 18 minutes 19.65 seconds north latitude, 89 degrees 36 minutes 09.14 seconds west longitude); thence northerly along the western shoreline of Bayou Long and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2024 through 11:59 p.m. February 14, 2024 within Terrebonne Parish as described below:

1. from a point originating at the intersection of the western shoreline of Bayou Dularge and the northern shoreline of the Falgout Canal (29 degrees 24 minutes 44.83 seconds north latitude, 90 degrees 46 minutes 58.54 seconds west longitude); thence easterly to the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal (29 degrees 24 minutes 44.00 seconds north latitude, 90 degrees 46 minutes 58.44 seconds west longitude); thence easterly along the northern shoreline of the Falgout Canal to its intersection with the western shoreline of the Houma Navigation Canal (29 degrees 23 minutes 32.52 seconds north latitude, 90 degrees 43 minutes 48.95 seconds west longitude); thence southerly along the western shoreline of the Houma Navigation Canal to its intersection with the eastern shoreline of Bayou Grand Caillou (29 degrees 20 minutes 30.46 seconds north latitude, 90 degrees 44 minutes 10.91 seconds west longitude); thence southerly along the eastern shoreline of Bayou Grand Caillou to its intersection with eastern shoreline of Quitman Bayou (29 degrees 13 minutes 23.88 seconds north latitude, 90 degrees 48 minutes 52.91 seconds west longitude); thence southerly along the eastern shoreline of Quitman Bayou to its intersection with Dog Lake (29 degrees 09 minutes 23.87 seconds north latitude, 90 degrees 49 minutes 15.15 seconds west longitude); thence southerly along the eastern and southern shorelines of Dog Lake to its intersection with Pass des Ilettes (29 degrees 08 minutes 39.93 seconds north latitude, 90 degrees 49 minutes 50.11 seconds west longitude); thence southerly along the eastern shoreline of Pass des Ilettes to its intersection with the western shoreline of Grand Pass des Ilettes (29 degrees 07 minutes 54.45 seconds north latitude, 90 degrees 49 minutes 43.65 seconds west longitude); thence southwesterly along the western shoreline of Grand Pass des Ilettes to its intersection with the shrimp inside-outside line (29 degrees 07 minutes 04.77 seconds north latitude, 90 degrees 53 minutes 03.57 seconds west longitude); thence northwesterly along the shrimp inside-outside line to its intersection with Grand Bayou du Large (29 degrees 10 minutes 46.24 seconds north latitude, 90 degrees 58 minutes 07.27 seconds west longitude); thence northerly along the western shoreline of Grand Bayou du Large to its intersection with Caillou Lake (29 degrees 12 minutes 43.82 seconds north latitude, 90 degrees 57 minutes 14.91 seconds west longitude); thence northerly along the western and northern shorelines of Caillou Lake to its

intersection with the western shoreline of Grand Pass (29 degrees 15 minutes 42.31 seconds north latitude, 90 degrees 56 minutes 14.99 seconds west longitude); thence northerly along the western shoreline of Grand Pass to its intersection with the western shoreline of Bayou du Large (29 degrees 15 minutes 53.90 seconds north latitude, 90 degrees 56 minutes 16.13 seconds west longitude); thence northeasterly along the western shoreline of Bayou du Large and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2024 through 11:59 p.m. February 14, 2024 within portions of Iberia and Vermilion Parishes as described below:

1. from a point originating from the intersection of the Acadiana Navigational Channel and the Gulf Intracoastal Waterway (29 degrees 50 minutes 33.79 seconds north latitude, 91 degrees 50 minutes 26.43 seconds west longitude); thence southwest along the Acadiana Navigational Channel red buoy line to the red navigational marker number 20 (29 degrees 36 minutes 12.55 seconds north latitude, 92 degrees 00 minutes 18.48 seconds west longitude) near the Marsh Island shoreline near Southwest Pass; thence westerly to the Green Light Channel Marker number 21 (29 degrees 36 minutes 44.54 seconds north latitude, 92 degrees 00 minutes 21.80 seconds west longitude); thence westerly to Southwest Point; thence westerly along the southern shore of Vermilion Bay to the eastern shore of Hell Hole; thence southerly along the shore of Hell Hole to its intersection with Hell Hole Bayou; thence westerly to the western shore of Hell Hole; thence northerly along the western shore of Hell Hole to its intersection with the southwestern shore of Vermilion Bay; thence northerly along the southwestern shore of Vermilion Bay to Redfish Point; thence westerly along the shore of Vermilion Bay to its intersection with Freshwater Bayou Canal, just past Coles Bayou (29 degrees 44 minutes 54.06 seconds north latitude, 92 degrees 13 minutes 02.27 seconds west longitude); thence northerly along the western shore of Freshwater Bayou Canal to its intersection with the northern shore of the Gulf Intracoastal Waterway; thence easterly along the northern shore of the Gulf Intracoastal Waterway and terminating at the origin.

E. The use of crab traps shall be prohibited for 14 days from 12:00 a.m. February 1, 2024, through 11:59 p.m. February 14, 2024, within portions of Cameron Parish as described below:

1. from a point originating at the intersection of the western shore of the Mermentau River and Catfish Locks (29 degrees 51 minutes 47.31 seconds north latitude, 92 degrees 50 minutes 57.25 seconds west longitude); thence southeasterly following Catfish Locks to its intersection with the eastern shore of the Mermentau River (29 degrees 51 minutes 44.20 seconds north latitude, 92 degrees 50 minutes 52.98 seconds west longitude); thence southerly along the eastern shore of the Mermentau River to the eastern and western fork, just north of Lower Mud Lake (29 degrees 45 minutes 33.86 seconds north latitude, 93 degrees 01 minutes 09.03 seconds west longitude); thence southerly along the eastern shoreline of the Mermentau River's eastern fork to its intersection with the shrimp inside-outside line (29 degrees 43 minutes 46.33 seconds north latitude, 93 degrees 00 minutes 31.71 seconds west longitude); thence westerly

along the shrimp inside-outside line to its intersection with Rutherford Beach and the western shoreline of the Mermentau River's western fork (29 degrees 45 minutes 33.46 seconds north latitude, 93 degrees 07 minutes 40.76 seconds west longitude); thence northeasterly along the western shoreline of the Mermentau River's western fork to its intersection with the main river, just north of Lower Mud Lake (29 degrees 45 minutes 44.93 seconds north latitude, 93 degrees 01 minutes 32.05 seconds west longitude); thence northerly along the western shoreline of the Mermentau River and terminating at the origin.

F. The use of crab traps shall be prohibited for a 10-day period from 12:00 a.m. February 26, 2024 through 11:59 p.m. March 6, 2024 within Livingston, St. John the Baptist, and Tangipahoa Parishes as described below:

1. from a point at the intersection of the south bound lane of Interstate 55, the northern shoreline of Pass Manchac, and the eastern shoreline of Lake Maurepas (30 degrees 17 minutes 21.92 seconds north latitude, 90 degrees 24 minutes 10.24 seconds west longitude); thence northerly along the eastern and northern shorelines of Lake Maurepas to its intersection with the east shoreline of the Tickfaw River; thence westerly to the intersection of the northern shoreline of Lake Maurepas on the western shoreline of the Tickfaw River; thence southwesterly along the northern and western shorelines of Lake Maurepas to its intersection with the eastern shoreline of the Amite River; thence southerly to the intersection of the western shoreline of the Amite River and Lake Maurepas; thence southerly along the western shoreline of Lake Maurepas to its intersection with the western shoreline of the Blind River; thence southerly to the intersection of the eastern shoreline of the Blind River and Lake Maurepas; thence easterly and northerly to the intersection of the south bound lane of Interstate 55, the southern shoreline of Pass Manchac, and the eastern shoreline of Lake Maurepas (30 degrees 16 minutes 38.34 seconds north latitude, 90 degrees 24 minutes 01.19 seconds west longitude); thence northerly along the south bound lane of Interstate 55 and terminating at the origin.

G. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, surplus in conformity with R.S. 39:330.1, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97

(January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:2767 (November 2022), LR

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1025 Tom Watson Rd., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 31, 2023.

Andrew J. Blanchard
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Derelict Crab Trap Removal Program

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

The proposed rule change would prohibit the use of crab traps in portions of nine parishes at different periods in February and March, 2024. The proposed rule would ban the local use of crab traps in parts of Cameron, Iberia, Plaquemines, St. Bernard, Terrebonne, and Vermilion parishes (February 1 to February 14, 2024), and parts of Livingston, St. John the Baptist, and Tangipahoa parishes (February 26 through March 6, 2024).

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes the Louisiana Department of Wildlife and Fisheries (LDWF) or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF can absorb this cost within the existing operating budget.

The proposed rule change also authorizes the Secretary of Wildlife and Fisheries to designate crab traps collected during removal efforts as surplus property and to dispose of them accordingly in a manner consistent with state policy.

While LDWF anticipates absorbing costs within the existing operating budget, the proposed rule change may increase expenditures incurred by the LDWF if the agency is required to rent additional vehicles and equipment to transport traps from the collection sites to storage sites for auction.

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

The proposed rule change may increase revenues accruing to the LDWF by \$27,000 to \$56,000 and to the State General Fund by \$5,000 to \$10,000 if the traps collected by the Derelict Crab Trap Program are designated as surplus property and sold at auction

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Crab fishers who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs to temporarily remove their traps. These crab fishers must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishers.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishers, commercial fishers and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with the lowest harvests and adjacent waters will remain open for crab fishers to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change, waters adjacent to the closure area will remain open for crab harvest and fishers who fish during this time period are expected to relocate their traps to these areas.

Bryan McClinton
Undersecretary
2309#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Special Bait Dealer's Permit (LAC 76:VII.329)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:497(C), that the Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.329, which provides for a special bait dealer's permit program.

The amendment extends the sunset provision of the current rule allowing fishermen to utilize commercial fishing gear during closed season when fishing under a valid special

bait dealer's permit provided by the Department. Previous regulatory action allowed for larger nets to be fished under the special bait dealer's permit during closed shrimp seasons to adequately provide live bait for recreational fishermen, while allowing uninterrupted operation for the commercial establishments that sell live bait. The use of this expanded gear will only be authorized through the 2026 commercial license year, so that the effects of the regulation on the resource and the industry may be evaluated at such time.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§329. Special Bait Dealer's Permit

A.-C.8.a. ...

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer's permit is as follows:

a. one trawl measuring 50 feet long and less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River;

b. double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River;

c. the provisions of this Paragraph shall be effective until December 31, 2026.

C.10.-D.1. ...

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021), LR 49:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues

its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1025 Tom Watson Rd., Lake Charles, LA 70615, or via email to pcagle@wlf.la.gov prior to October 31, 2023.

Andrew J. Blanchard
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Special Bait Dealer’s Permit**

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

There are no direct, material anticipated implementation costs or savings to the Louisiana Department of Wildlife and Fisheries (LDWF) or to state or local government units as a result of the proposed rule change.

The proposed rule extends the expiration date of gear regulations for special bait dealer permit holders from December 31, 2023, to December 31, 2026. The special bait dealer’s permit allows permit holders to use the same fishing gear during the closed inside shrimp season that is allowed for other commercial shrimpers harvesting shrimp during the open

inside shrimp season. Tow times for vessels operating under special bait dealer permits are limited to 15 minutes.

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

The proposed rule change is expected to have no effect on revenue collections accruing to LDWF.

Though the current rules for the special bait dealer permit bore the potential to enhance the profitability of commercial bait-fishing by allowing the use of larger trawls and skimmers than had previously been permitted, there is little evidence that adoption of the rules in 2021 changed the number of active special bait dealer’s permit holders and shrimp harvesters in the fishery. Consequently, there is little reason to conclude that the extension of the regulations considered under the proposed rule change would alter the number of permits issued and fees collected by the LDWF.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change extending the current rules for special bait dealer permit holders may have a moderate positive effect on receipts and income for permit holders and harvesters in the commercial bait fishery relative to what they might be if the rules were to expire at the end of 2023.

Though total bait landings after the adoption of the current rules do not appear to be larger than landings observed in previous years, there is some statistical evidence suggestive of an increase in total dockside values, value per dealer, value per harvester, and landings per trip.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change extending the current rules for special bait dealer permits is not anticipated to have an effect on competition and employment. There is some statistical evidence suggestive of an increase in dockside values, value per dealer, value per harvester, and landing per trip. To extent that the extension leads to a continued growth in these sectors, competition and employment may increase accordingly.

Bryan McClinton
Undersecretary
2309#025

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Office of the Governor Board of Cosmetology

Public Hearing—Substantive Changes to Proposed Rule; Safety and Sanitation Requirements (LAC 46:XXXI.717)

The board published a Notice of Intent to promulgate LAC 46:XXXI, Chapters 1, 3, 5, 7, 9, 11, and 17 in the June 20, 2023 edition of the *Louisiana Register* (Vol. 49, No. 6). The Board proposes to amend Chapter 7, §717(A)(1) by deleting Paragraph 6 which read: “Chemical peels containing alpha hydroxy acid (AHA) in a concentration greater than 14 percent, phenol or trichloroacetic acid (TCA) in a concentration greater than 15 percent.”

This proposed amendment will closely align the proposed rule with the proposed Rule on the same topic as published by the Louisiana State Board of Cosmetology in the June 20, 2023 edition of the *Louisiana Register* (Vol. 49, No. 6).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXI. Cosmetologists

Chapter 7. Safety and Sanitation Requirements

§717. Prohibited Services

A. No license or permit issued by the board authorizes the performance of any of the following services in a salon licensed by the board:

1. diagnosis, treatment, or therapy of any dermatological condition, or the process of removing hair know as “electrolysis”;
2. use of lasers;
3. micro-needling;
4. micro-blading;
5. services or procedures which penetrate or invade the live tissue or dermis by any means including but not limited to the use of instruments or product insertion, puncturing, cutting, needling or chemical exfoliation.

6. the use of any acid or acid solution to exfoliate the skin below the epidermis;

7. commercial body art commercial body Art or the practice of physical body adornment by registered establishments and operators utilizing, but not limited to, the following techniques; tattooing, cosmetic tattooing, body piercing, microblading, branding, and scarification as defined by Part XXVIII of Title 51 of the *Louisiana Administrative Code*;

8. the use of any mechanical or electrical apparatus classified as a medical devise by the U.S. Food and Drug Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(6).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 49.

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:968(H)(2), the board gives notice of a public hearing to receive additional comments and testimony on this substantive amendment to the proposed Rule. The hearing will be held at 9:00 a.m. on Monday, October 2, 2023, at the office of the Louisiana State Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, LA 70809. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. Interested persons may submit written comments to Steve Young, Louisiana Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, LA 70809.

He is responsible for responding to inquiries regarding this substantive amendment to the proposed Rule. The deadline for receipt of all written comments is noon on Friday, September 29, 2023.

Steve Young
Executive Director

2309#015

POTPOURRI

Department of Health Board of Pharmacy

Temporary Closure of Pharmacy (LAC 46:LIII.1107)

The Board of Pharmacy published a Notice of Intent to amend §1107 of its rules relative to pharmacy operations in the February 20, 2023 edition of the *Louisiana Register*, volume 49, pages 369-371. Pursuant to the board’s consideration of comments and testimony received during the March 28, 2023 public hearing, the board proposes to amend the original proposed Rule by adding “in an emergency” to §1107.E and “during an emergency or Act of God” to §1107.E.1

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1107. Pharmacy Operations

A. - D. ...

E. Temporary Closure of Pharmacy in an Emergency

1. When the governor issues or renews a state of emergency pursuant to the Emergency Assistance and Disaster Act of 1993, R.S. 29:721 et seq., or a state of public health emergency pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq., or when the pharmacist-in-charge determines it necessary to close the pharmacy for a temporary period of time during an

emergency or Act of God, the following provisions shall apply:

1.a - d ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, LR 34:1408 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 47:1643 (November 2021), LR 48:2105 (August 2022), amended LR 49:

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Monday, October 30, 2023.

Public Hearing

A public hearing to solicit comments and testimony on the proposed revisions to the original Notice of Intent is scheduled for 9:00 a.m. on Monday, October 30, 2023 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225-925-6496.

M. Joseph Fontenot Jr.
Executive Director

2309#008

POTPOURRI

**Department of Insurance
Office of the Commissioner**

Notice of Public Hearing Regarding the Conversion from a Mutual Insurance Company to a Stock Insurance Company

The Louisiana Department of Insurance hereby gives notice of a public hearing to be held on October 5 and October 6, 2023, regarding the conversion of Louisiana Health Service and Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana from a mutual insurance company to a stock insurance company pursuant to La. R.S. 22:236.4(C). The public hearing is being held for the purpose of hearing evidence to determine if the Plan of Reorganization submitted by Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana:

1. properly protects the interests of the policyholders as such and as members;
2. serves the best interests of policyholders and members; and
3. is fair and equitable to policyholders and members as required by La. R.S. 22:236.4(A).

The public hearing shall be conducted in accordance with R.S. 22:236.4, Rule 1 of the Louisiana Department of Insurance, and the Administrative Procedures Act.

Public Hearing

The public hearing will be held by the Louisiana Department of Insurance on October 5 and October 6, at 10:00 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, Louisiana. If you are interested in participating in the public hearing, you have the option to make comments or provide evidence. You can do this by submitting your comments or evidence in writing to David Caldwell, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by close of business, October 2, 2023, by 4:30 p.m. Comments or evidence received by October 2, 2023, will be posted on the Louisiana Department of Insurance website at <https://www.lidi.la.gov/public-hearing-and-rulemaking-notices>. The provided link directs to the public hearing notices page of the Louisiana Department of Insurance website. This page contains announcements and information regarding upcoming public hearings conducted by the Louisiana Department of Insurance. Users can access documents, notices, and other relevant information related to these proceedings. It is recommended to visit the website directly for the most up-to-date information from the Louisiana Department of Insurance on this public hearing. Interested persons may appear at the public hearing to provide comments or evidence as well.

James J. Donelon
Commissioner

2309#002

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Anderson Exploration Co., Inc	Duson	L	Nod B Rasud; G P Thibodeaux	001	225936
Anderson Exploration Co., Inc	Kings Bayou	L	Richard D Sanders	001	233887
Anderson Exploration Co., Inc	Kings Bayou	L	C B Boudreaux et al	001	236641
Anderson Exploration Co., Inc	Ridge, West	L	Fontenot swd	001	973092
Anderson Exploration Co., Inc	Duson	L	G P Thibodeaux et al swd	001	973227

Operator	Field	District	Well Name	Well Number	Serial Number
Caddo Oil Co., Inc.	Caddo Pine Island	S	Muslow B	016	35944 (30)
Caddo Oil Co., Inc.	Caddo Pine Island	S	Hobbs	005	48962 (30)
John F. Mitchell et al	Caddo Pine Island	S	Louisiana State	001	91792 (30)
Louisiana Shelf Partners, L.P.	East Cameron Block 4	L	SL 17742	001	229806
Monroe Well Services - Los	Caddo Pine Island	S	Dorian	012	196779 (03)

Operator	Field	District	Well Name	Well Number	Serial Number
Star Falcon Oil Co.	Caddo Pine Island	S	Herndon	002	26660 (30)
The Gehrig Company of Arkansas	Caddo Pine Island	S	Ark Fuel Oil Co.	B-3	36804 (30)
W. C. Curry	Caddo Pine Island	S	Ark Fuel Oil Co	B-2	36680 (30)

Monique M. Edwards
Commissioner

2309#021

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