

## CONTENTS

### I. EXECUTIVE ORDERS

EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1 .....	209
---	-----

### II. EMERGENCY RULES

Agriculture Department:	
Agricultural Finance Authority—Production Loan Program .....	209
Commerce Department:	
Racing Commission—LAC 35:I.1787.G, Pre-race Testing .....	211
LAC 35:XIII.11201, Twin Trifecta .....	211
Education Department:	
Board of Elementary and Secondary Education—Secondary summer school standards .....	212
Health and Human Resources Department:	
Board of Medical Examiners—Licensing of physicians and surgeons .....	212
Licensing and practice of midwives .....	213
Office of Family Security—Food Stamp Program - Self-employment losses; community mental health centers .....	222
Food Stamp Program - Annualization of interest income for retrospectively budgeted monthly reporting households .....	222
Office of Preventive and Public Health Services—Handicapped Children’s Services Program - Limits services .....	223
Office of the Secretary—Contracts sheltered workshops to provide employment to disabled .....	223
Public Safety and Corrections Department:	
Office of the Secretary—Searches of visitors and employees .....	223
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Sets special white shrimp season .....	224
Reduces shrimp harvested on certain wildlife management areas .....	224

### III. RULES

Agriculture Department:	
Office of Animal Health Services—LAC 7:XXI.Chapter 123, Pet turtles .....	224
Education Department:	
Board of Elementary and Secondary Education—Non-public school standards .....	225
Elections and Registration Department:	
Elderly/handicapped voting accessibility .....	225
Environmental Quality Department:	
Office of Air Quality—Reportability of asbestos generated by demolitions/renovations .....	229
Governor’s Office:	
Division of Administration—LAC 4:I.Chapter 3, Fees .....	229
LAC 4:V.Chapter 7, PPM No. 33 - Request for new or substitute positions .....	229
LAC 4:V.Chapter 11, PPM No. 40 - State Employees Group Insurance Program .....	230
LAC 4:V.Chapter 21, PPM No. 53 - Repair and replacement of damaged property covered under Risk Management Program .....	230
LAC 34:XI.Chapter 1, Equipment Lease-Purchase Program .....	231
LAC 37:I.Chapters 1, 3, 5, and 7, Procurement of structural payment plans .....	234
Health and Human Resources Department:	
Board of Pharmacy—LAC 46:LIII.301, Examinations .....	238
LAC 46:LIII.Chapter 29, Adjudication procedures .....	238
Office of Family Security—MAP - Bed reservation limits for ICF/MR services .....	243
MAP - Cap “Carve Out” Units .....	243
MAP - Lock-in Programs .....	244
Support Enforcement Program - IV-D Medical Support .....	245
Office of Prevention and Recovery from Alcohol and Drug Abuse—ADAMS Block Grant appeals process .....	245
Labor Department:	
Office of Employment Security—Appeals referee training .....	246
Public Safety and Corrections Department:	
Corrections Services—Adult and Juvenile Services - Attorney visits .....	246
Office of Alcoholic Beverage Control—Permits renewal .....	247
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Cardiac rehabilitation .....	248
Lifetime maximum .....	249
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—LCDBG (FY 1985) Final Statement .....	249
LCDBG (FY 1984) Final Statement .....	249

This public document was published at a total cost of \$7,413.55. 1,475 copies of this public document were published in this monthly printing at a cost of \$2,642.35. The total cost of all printings of this document including reprints is \$7,413.55. This document was published by Moran Colorgraphic, 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

#### IV. NOTICES OF INTENT

Agriculture Department:	
Office of Animal Health Services—Livestock Sanitary Board - LAC 7:XXI, Diseases of Animals .....	249
Commerce Department:	
Racing Commission—LAC 35:XIII.11201, Twin Trifecta .....	251
Education Department:	
Board of Elementary and Secondary Education—Child Nutrition Program managers .....	251
Comp Ed Guidelines .....	251
Curriculum standards (Biology II, Chemistry II, Physics II) .....	252
Migrant Education State Plan (FY 1987) .....	253
Secondary summer school standards .....	253
Transfer of high school students to adult education .....	254
Vocational-Technical students fee schedule .....	254
Governor's Office:	
Office of Elderly Affairs—Program income .....	255
State Plan on Aging .....	255
Health and Human Resources Department:	
Board of Examiners for Nursing Home Administrators—LAC 46:XLIX.1105, Refusal, suspension and revocation of license .....	256
Board of Practical Nurse Examiners—LAC 46:XLVII.905, Staffing .....	256
Office of Family Security—Food Stamp Program - Job search services .....	256
Food Stamp Program - Self-employment losses and community mental health centers .....	257
Office of the Secretary—Controlled dangerous substances (addition) .....	258
Controlled dangerous substances (deleted) .....	258
Life safety licensing code .....	259
Maternal and Child Health Block Grant (FY 1987) .....	259
Public Safety and Corrections Department:	
Office of State Police—Hazardous Substance Control Section - Transportation of hazardous materials and hazardous waste .....	261
Revenue and Taxation Department:	
Excise Taxes Section—Special fuels tax .....	261
Transportation and Development Department:	
Office of Highways—Overweight permit .....	263
Permit fee schedule .....	263
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Eligibility provisions .....	264
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—LCDBG Final Statement (FY 1986) .....	265
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Prohibits fishing for paddlefish .....	266
Sister (Caillou) Lake Oyster Seed Reservation boundary description .....	266

#### V. COMMITTEE REPORTS

Justice Department:	
Licensing electronic video machines .....	267
Licensing electronic video machines - Governor's action on disapproval of proposed rules .....	268
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—In-patient deductible .....	268
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Oyster seed grounds .....	268

#### VI. LOUISIANA ADMINISTRATIVE CODE UPDATE

January 1986 to March 1986 changes to the LAC .....	268
---	-----

#### VII. POTPOURRI

Agriculture Department:	
Office of Agricultural and Environmental Sciences—Quarantine Programs - Quarantined areas .....	269
Natural Resources Department:	
Office of Conservation—Injection and Mining Division - Public hearing .....	269
Fishermen's Gear Compensation Fund—Claims .....	269
Treasury Department:	
State Employees Retirement System—Meeting notice .....	273

#### VIII. ERRATA

Public Safety and Corrections Department:	
Office of the State Fire Marshal—Date corrected .....	273

# Executive Orders

## EXECUTIVE ORDER EWE 86-8

WHEREAS, R.S. 13:5108.1 requires delivery to the attorney general of any summons, complaint, demand, pleading and/or related document issued or filed in any suit brought under 42 U.S.C. §1981 et seq. against a state officer or employee, as a prerequisite to indemnification by the state; and

WHEREAS, R.S. 13:5108.1 requires the attorney general to evaluate the above referenced documents and to defend said state officers or employees under certain circumstances; and

WHEREAS, private contract counsel may not be utilized by a state officer or employee and paid with public funds until the attorney general first receives and evaluates the propriety of a defense by his office; and

WHEREAS, the economic situation of our state, in addition to the mandate of state law, dictates the use of attorneys presently employed by the attorney general who have expertise in this field and who can present a consistent legal position on behalf of the state;

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

Each state officer or employee against whom suit is filed under 42 U.S.C. §1981 et seq. and who intends to seek indemnification from the state under R.S. 13:5108.1 shall comply with the provisions of that statute.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 26th day of March, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Agricultural Finance Authority

In accordance with the emergency provisions of the Administrative Procedure Act (Louisiana Revised Statutes of 1950, as amended, Section 49:953B), notice is hereby given that the Louisiana Agricultural Finance Authority (the "Authority"), a public instrumentality existing within the Department of Agriculture at a regularly scheduled meeting held on March 20, 1986, determined that an economic emergency presently exists throughout the agricultural community with respect to the non-availability of capital at reasonable interest rates for agricultural purposes. The present emergency in the agricultural community may affect the supply of food for human consumption during the coming year, in that

farmers who cannot obtain capital will be unable to produce the food needed by the consumers of the State of Louisiana.

The Louisiana Agricultural Finance Authority further determined that, in order to alleviate these emergency conditions to the extent possible, it is necessary to enact certain rules and regulations on an emergency basis.

Therefore, under the authority contained in the provisions of Louisiana Revised Statutes of 1950, as amended, Section 3:26, the Louisiana Agricultural Finance Authority adopted the following rules and regulations on an emergency basis.

### Chapter 5. Agricultural Finance Authority Subchapter B. Production Loan Program §541. Definitions

*Act* means the Louisiana Agricultural Finance Act, being Chapter 3-B, Title 3 of the Louisiana Revised Statutes of 1950, as amended, Sections 261 through 283, inclusive.

*Agricultural loan or agricultural loans* means the interest-bearing loan, evidenced by a loan note, made by the lender to any person for the purpose of financing the acquisition of goods or services, including, but not limited to: a leasehold interest in land, not to exceed 12 months; land improvement; soil conservation; irrigation; construction, renovation, or expansion of buildings and facilities; purchase of farm fixtures, livestock, poultry and fish of any kind; seeds; fertilizers; pesticides; feeds; machinery; equipment; containers or supplies to be employed in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products within the State of Louisiana.

*Agricultural loan purchase agreement* means the agreement between the authority and a lender under which, among other required provisions, the authority agrees to purchase an agricultural loan after it is originated by the lender.

*Assignment* means the assignment of the loan notes which assigns the interest of the lender in the loan notes to the authority.

*Bond or bonds* means the bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, warrants, commercial paper or other obligations or evidences of indebtedness authorized to be issued by the authority pursuant to the provisions of the Act.

*Borrower* means an individual, partnership, firm, corporation, company, cooperative, association, society, trust or any other business unit or entity, including any state or federal agency, which uses proceeds of a loan for any project which meets the requirements of these rules and regulations.

*Closing* means any closing held pursuant to the agreement at which an agricultural loan is sold to the authority.

*Closing date* means the date of a closing.

*Credit bank* means the issuer of the irrevocable letter of credit issued in favor of the trustee for the benefit of the authority which obligates the credit bank to pay an amount equal to the principal amount of the notes plus the amount of interest which accrues thereon.

*Indenture* means the indenture of trust by and between the authority and the trustee, dated as of April 1, 1986.

*Lender* means any of the following, when participating in the Program: a bank, bank or trust company, federal land bank, production credit association, bank of cooperatives, building and loan association, homestead, insurance company, investment banker, mortgage banker or company, pension or retirement fund, savings bank or savings and loan association, small business investment company, credit union, any other financial institution authorized to do business in Louisiana or operating under the supervision of any federal agency or any Edge Act Corporation or agreement, or a corporation organized or operating pursuant to Section 25 of the Federal Reserve Act.

*Loan file* means the loan documents pertaining to a particular agricultural loan.

*Loan letter of credit* means the irrevocable letter of credit issued by the loan letter of credit bank to the trustee to secure the obligation of the borrowers to pay the principal of and interest on the agricultural loans when due pursuant to the loan notes and the agreement, and which has been delivered to the trustee pursuant to the indenture.

*Loan letter of credit agreement* means the agreement between the borrower and the loan letter of credit bank providing for the issuance of the loan letter of credit.

*Loan letter of credit bank* means the issuer of a loan letter of credit, specified in the loan purchase submission voucher, which issuer has been approved by the credit bank.

*Loan note* means the promissory note of a borrower payable to the order of the lender. *Borrower's notes* means all of such notes outstanding at any time.

*Notes* means the authority's \$150,000,000 1986 Series A notes (Agricultural Loan Program).

*Person* means any individual, partnership, firm, corporation, company, cooperative, association, society, trust or any other business unit or entity including any state or federal agency.

*Production loans* means the interest-bearing loan, evidenced by a loan note, made by the lender to any person for the purpose of financing the acquisition of seeds, fertilizers, pesticides and any and all other supplies, products and/or services used in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products for one agricultural crop production cycle within the State of Louisiana.

*Program* means the authority's Agricultural Production Loan Program.

*Program application fee* means the fee paid by lender to the authority in order to participate in the program.

*Project* means the property to be financed with an agricultural loan.

*Qualified loan repurchase agreement* means an agreement entered into by and between the authority and any person which agreement and person are satisfactory to the credit bank whereby such person is obligated to repurchase defaulted agricultural loans.

*State* means the State of Louisiana.

*Trustee* means the trustee and/or any program administrator or purchase agent appointed in the manner provided in the indenture, and its successor or successors.

#### **§543. Program Authorization—State Statutes**

The \$150,000,000 1986 Series A Notes (Agricultural Loan Program) is authorized by Louisiana Revised Statutes of 1950, as amended, Title 3, Chapter 3-B, Sections 261-283, inclusive, and Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and by these statutes permit funding by bonds of a wide range of agricultural loans.

#### **§545. Projects Eligible for Loans Funded With Note Proceeds**

Agricultural loan proceeds may be used for the purpose of financing acquisition of goods or services, including, but not limited to: a leasehold interest in land, such interest not to exceed a term of 12 months; land improvements; soil conservation; irrigation; construction, renovation or expansion of buildings and facilities; purchase of farm fixtures, livestock, poultry and fish of any kind; seeds; fertilizers; pesticides; feeds; machinery; equipment; containers or supplies to be employed in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products within the State of Louisiana. Provided, however, that preference shall always be given to the origination of production loans.

#### **§547. Minimum and Maximum Amount of Agricultural Loans**

A. There is no minimum or maximum limitation on the amount of agricultural loans originated by any one lender.

B. The minimum amount of an agricultural loan borrowed by any one borrower shall be \$5,000.

C. The maximum amount of an agricultural loan borrowed by any one borrower shall be \$10,000,000.

#### **§549. Eligibility Requirements for Lenders**

A. The lender must be an entity listed in LAC 7:III.541 (definition of "lender") hereof and must be experienced in originating and servicing agricultural loans.

B. The lender must be qualified and in good standing under all state and federal laws applicable to lenders.

C. Within the past three years, the lender cannot have been listed on the federal comptroller's "Supervised or Watch List", or any substantially similar listing of any state or federal regulatory agency responsible for regulating banks and financial institutions.

D. Each lender must be approved by the authority prior to participating in the program. The authority retains the right to reject any lender, even though that lender meets the minimum requirements established by these regulations or to accept a lender which does not meet these minimum requirements.

E. The lender must collect all payments required under the terms and conditions of a loan note and pay such amount to the trustee.

#### **§551. Requirements for Borrowers**

A. The borrower is not required to be domiciled in the state, but must use the agricultural loan proceeds for an agricultural activity located within the state.

B. If the borrower is a partnership or corporation, the entity must actually be engaged in an agricultural activity within the state.

#### **§553. Required Terms and Conditions for Loans Funded With Proceeds of the Notes**

The terms and conditions of each agricultural loan, except as required under these rules and regulations, shall be determined by the lender and the borrower, but are subject to the authority's approval in the manner described in LAC 7:III.557 (C) hereof.

B. Each agricultural loan must be evidenced by a promissory note (the loan note) in the full principal amount of the agricultural loan and such other security as may be required by the lender.

C. The agreement between lender and borrower must require payments sufficient to meet the debt service requirements of the notes (i.e., in principal and interest).

D. Interest rates on agricultural loans shall be fixed and shall not exceed 11.5 percent per annum, unless specific and express approval for a higher percentage interest rate is given by the Authority in the manner described in Section LAC 7:III.557 (C) hereof.

E. Loans may be assumed by a third party, with the prior approval of the lender, if the lender determines that the assignee qualifies as a "borrower" under these rules and regulations, and the assumption agreement evidencing the assumption and a replacement loan letter of credit shall be inserted in the loan file whereupon it shall be deemed a part of the loan file for all purposes thereof.

F. The obligation of each borrower to make loan payments will be secured to the trustee pursuant to a loan letter of credit issued by the loan letter of credit bank in favor of the trustee or in the alternative by a qualified loan repurchase agreement, for the equal and proportionate benefit of the holders of the notes and the credit bank.

G. The borrower must expend the proceeds of loan solely

to finance the project described in the loan application and not for any other purpose.

**§555. Fees Required**

A. The maximum program application fee to be charged by the lender shall be \$0 unless specific and express approval for an increased program application fee is given by the authority in the manner described in LAC:III.557 (C) hereof.

B. The maximum origination points to be charged by the lender shall be zero percent unless specific and express approval for an increase in the maximum origination points is given for the authority in the manner described in LAC 7:III.557 (C) hereof.

C. The maximum fees (including issuance fees, the effective cost of required stock purchases and any other underlying fees) to be charged by the loan letter of credit bank and the lender shall not, collectively, exceed two percent of the aggregate principal amount of the loan note, unless specific and express approval is given by the authority in the manner described in LAC 7:III.557 (C) hereof.

D. The maximum servicing fee to be charged by the lender shall be zero percent, unless specific and express approval for an increase in the maximum servicing fee is given by the authority in the manner described in LAC 7:III.557 (C) hereof.

E. A lender may charge usual and customary closing expenses incurred in connection with the closing of an agricultural loan.

**§557. Program Description; Procedures Required for Funding of Agricultural Loans With Note Proceeds**

A. Borrowers will initially apply for an agricultural loan with a lender and must be approved by the lender. Borrowers must meet all eligibility criteria established by these rules and regulations and by individual lenders for conventional agricultural loans.

B. Lender shall review borrower's application to determine (1) whether borrower qualifies under these rules and regulations; and (2) whether the purpose of the agricultural loans qualifies under these rules and regulations. If lender determines that conditions set forth in (1) and (2) above are satisfied, it shall provide the authority and trustee with written notice of the anticipated closing date no later than 15 days prior to such anticipated closing date and shall notify the authority and trustee immediately in the event a closing date is postponed or cancelled. Simultaneously with providing trustee and the authority of written notice of the closing date, lender shall deliver the loan file to the trustee. Upon review of a loan file, trustee shall confirm the closing date with lender and the authority.

C. Prior to purchase of an agricultural loan by the trustee (as purchase agent) on behalf of the authority, the authority must approve the agricultural loan, with approval maybe given by the chairman of the authority.

D. The purchase price of an agricultural loan shall be the principal amount of such agricultural loan, together with accrued interest thereon, if any. Lender may charge borrower the fees set forth in these rules and regulations, which fees may be paid from proceeds of the agricultural loan. Trustee on behalf of the authority, shall pay lender on the closing date a sum equal to the purchase price of the agricultural loans tendered to the authority under the terms and conditions specified in the agricultural loan purchase agreement. The purchase price may be paid by check, electronic transfer or wire transfer, at the option of the trustee. Lender shall assign its interest in the loan notes to the authority pursuant to the assignment. The assignment shall be recorded by the lender on behalf of the authority in the public records of the proper parish. Lender shall deliver a certified copy of the assignment to the trustee within 30 days of the closing date.

Bob Odom  
Commissioner

**DECLARATION OF EMERGENCY**

**Department of Commerce  
Racing Commission**

Amend Rule LAC 35:1787G

**§1787. Pre-Race Testing**

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 5.0 micrograms Phenylbutazone per milliliter of blood or 5.0 micrograms Oxypenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

Albert M. Stall  
Chairman

**DECLARATION OF EMERGENCY**

**Department of Commerce  
Racing Commission**

Adopt Rule LAC 35:11201

**Chapter 112. Twin Trifecta**

**§11201. Twin Trifecta**

A. No twin trifecta wagering shall be conducted without permission of the commission. The races in which the twin trifecta type pari-mutuel wagering will be permitted shall only be those designated by the commission and a separate pool shall be established therefor.

B. The twin trifecta is a form of pari-mutuel wagering in which the bettor selects the three horses that will finish first, second and third in each of two designated races in the exact order as officially posted.

C. Twin trifecta wagers will be sold at all windows unless the association chooses to use designated windows for the twin trifecta and exchange.

D. Each bettor purchasing twin trifecta tickets shall designate his three selections as the first three horses to finish in that order in the first race of the two designated races.

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of equal amounts.

F. The monies in the first part of the divided pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The second part of the divided pool will be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. In the first half of the twin trifecta only, if no ticket is sold on a winning combination of a trifecta pool, the net pool shall then be distributed to the holders of tickets selecting the first place and second place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first and third place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first place horse. If no ticket is sold as abovementioned, the net pool shall then be distributed to holders of tickets

selecting the second and third place horses. If no ticket is selected as abovementioned, all twin trifecta tickets shall be refunded.

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish or as described in Paragraph H must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

J. No twin trifecta exchange ticket upon the second race shall be issued except upon the surrender of the twin trifecta ticket from the first race as described in these rules. Designated windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at the start of the second race of the twin trifecta races.

K. If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket but forfeits all rights to any distribution of the second race of the twin trifecta pool.

L. If a horse is scratched in the first race of the twin trifecta races, all twin trifecta tickets on the scratched horse will be refunded. If a horse is scratched in the second race of the twin trifecta races, public address announcements will be made and reasonable time will be given for the exchange of tickets on the scratched horse. For the second race of the twin trifecta only, all horses will be considered official starters once the starting gate has opened.

M. In the event of a dead heat(s) in either the first or second race of the twin trifecta, all twin trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position dead heated, shall be winning tickets.

N. In the event there are no twin trifecta tickets issued accurately selecting the officially declared first three finishers of the second twin trifecta race in exact order, such second race pool as divided earlier shall be held for the next consecutive day or night and combined with that programs' second race twin trifecta pool. Distribution of this special cumulative second race twin trifecta pool will be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the second twin trifecta race.

O. However, on the final program of any official race meeting, the entire accumulated second race twin trifecta pool must be distributed. In the event, on the final racing program, no second half twin trifecta ticket accurately selects the officially declared first three finishers in exact order, then all second half twin trifecta tickets on that specific race shall be declared winners and the pool shall be distributed equally among them.

P. In the second half of the twin trifecta race only, if less than three horses finish or if the officials declare the event "no race," then the next consecutive race on that program will be designated as the second half of the twin trifecta. Public address announcements shall be made and reasonable time will be given for ticket exchange.

Q. Sales of the twin trifecta tickets other than from pari-mutuel machines shall be deemed illegal and prohibited.

R. The twin trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, quinella, (regular) trifecta, super six or any other wagering pool.

S. In the event that racing is cancelled for any program prior to the running of the second half of the twin trifecta, the second part of that program's divided pool will be evenly distributed to all holders of second half twin trifecta exchange tickets. The cumulative twin trifecta pool will remain undistributed, and be carried over for use in the next twin trifecta.

Albert M. Stall  
Chairman

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Revised Secondary Summer School Standards

The State Board of Elementary and Secondary Education, at its meeting of March 27, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the revised secondary summer school standards for public schools to be the same as the revised requirements for the secondary nonpublic sector and as follows:

1. Standard 2.116.13, page 110 of Bulletin 741 (Attendance): Delete the Standard as written and insert in lieu thereof the following:

(1) 70 hours for one-half unit new credit;

(2) 47 hours for removal of one-half unit deficiencies. (The local system may impose a stricter minimum attendance policy.)

2. Standard 2.116.15, page 111 of Bulletin 741 (Time Requirements): Delete the Standard as written and insert in lieu thereof of the following:

"Daily time requirements are as follows:

	Length of Summer School Total Hours
New subjects	90
Repeated subjects	60

(Any deviation from the above time allotments must be approved by the State Department of Education.)

This emergency adoption is necessary in order that the local school systems have the policy in place for the beginning of summer school.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

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

The Louisiana State Board of Medical Examiners, pursuant to its rulemaking authority under the Louisiana Medical Practice Act, R.S. 37:1270B(6) and the emergency provisions of the Louisiana Administrative Procedure Act, R.S. 49:953B, has adopted the amendments set forth below to its existing rules and regulations governing the licensing of physicians and surgeons. These amendments affect the requirement for board approval of foreign medical schools and colleges as a condition to eligibility for licensure; the nature of the training programs requisite to unrestricted medical licensure for graduates of foreign medical schools; and the availability of temporary permits relating to programs of a continuing nature for which the Board issues only annual permits. As a result, the board has determined that it is necessary, appropriate and consistent with the provisions of the Administrative Procedure Act to promulgate such amendments as emergency rules so as to give them immediate effect, precluding prejudice to prospective permit holders who might not otherwise have notice of the board's intent to adopt such rules. The board intends to notice

such amendments for adoption as permanent rule amendments in the succeeding publication of the *Louisiana Register*.

Subpart C (Graduates of Foreign Medical Schools) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.07(b) of said Subpart is hereby amended so that as amended said section shall read as follows:

**§3.07 Section of Subpart; Definition.**

\* \* \*

(b) As used in this Subpart the term "foreign medical graduate" or "FMG" means a graduate of a medical school or college not located in any state or in Canada, recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Subsection (a)(4) of Section 3.08 of said Subpart is hereby amended so that as amended said subsection shall read as follows:

**§3.08 Qualifications for License.**

(a) To be eligible for a license, a foreign medical graduate applicant shall:

\* \* \*

(4) have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the Royal College of Physicians and Surgeons of Canada (RCPS), and approved by the board. To be approved by the board such program must be offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME or by the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; and the three years of such a program must be in the same specialty or, alternatively, constitute the FMG, upon completion of such three years program, as eligible for specialty board certification or for postgraduate year four (PG-4) training.

Subsections (a)(5) of Section 3.08 of said Subpart is hereby rescinded.

Subpart D (Board Approval of Medical Schools and Colleges) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.15 of said Subpart is hereby amended so that as amended said section shall read as follows:

**§3.15 Approval of Foreign Medical Schools**

To be approved by the Board, a medical school or college not located in any state or in Canada shall be recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Section 3.16 of said Subpart is hereby rescinded.

Subpart H (Restricted Licensure, Permits) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.37 (Graduate Medical Education Temporary Permit) of said Subpart is hereby rescinded.

Delmar Rorison  
Executive Administrative Assistant

**DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (R.S. 49:953(B)) and the au-

thority granted under R.S. 37:3240 *et. seq.*, the Louisiana State Board of Medical Examiners has adopted the emergency rules set forth below. These rules are adopted to comply with statutory mandates issued in 1984 to develop rules governing the licensing and practice of midwives. The rules have taken longer than anticipated to develop. In order to have the rules become effective at the earliest possible date they have been adopted under emergency procedures. The board intends to notice these rules for adoption in the succeeding issue of the *Louisiana Register* in accordance with the normal administrative process set forth in R.S. 49:953(A).

**Title 46. Occupation and Professions**

**Part XLV. Medical Professions**

**Subpart 2. Licensing and Certification**

**Chapter 23. Licensed Midwife Practitioners**

**Subchapter A. General Provisions**

**§2301. Scope of Chapter**

The rules of this Chapter govern the licensing of midwife practitioners to engage in the practice of midwifery in the State of Louisiana.

**§2303. Definitions**

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

*Applicant*—The term *applicant* means a person who has applied to the board for a license or permit to engage in the practice of midwifery in the State of Louisiana.

*Application*—The term *application* means a written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice midwifery in the State of Louisiana, together with all information, certificates, documents and other materials required by the board to be submitted with such forms.

*Apprentice lay midwife*—The term *apprentice lay midwife* means any person who is granted a permit to obtain the practical experience required to apply for a license.

*Board*—The term *board* means the Louisiana State Board of Medical Examiners.

*Certified nurse midwife*—The term *certified nurse midwife* means a registered nurse licensed to practice in Louisiana who has been certified by the American College of Nurse-Midwives and registered with the Louisiana Board of Nursing pursuant to their regulations.

*Continuing education*—The term *continuing education* means participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction and approved by the Louisiana Board of Medical Examiners for the purpose of meeting requirements for renewal of licensure under these regulations.

*Department*—The term *department* means the Louisiana Department of Health and Human Resources.

*Licensed midwife practitioner*—The term *licensed midwife practitioner* means a person who has completed all the requirements of the board including the prescribed education and experience, has passed the licensing examination, and is licensed to practice midwifery in the State of Louisiana.

*Licensing Midwife Practitioner Advisory Committee*—The term *Licensed Midwife Practitioner Advisory Committee* means a committee of two physicians, two licensed midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners appointed by the board to assist them in implementing the provisions of the Midwife Practitioners Act and these regulations.

*Midwife*—The term *midwife* means a person who gives care and advice to a women during pregnancy, labor and the postnatal

period and who is capable of conducting vaginal deliveries in uncomplicated pregnancies on her own.

**Midwifery instructor**—The term *midwifery instructor* means a physician or certified nurse-midwife under the supervision of a physician who has a formal training and supervisory relationship with an apprentice lay midwife.

**Physician**—The term *physician* means a person licensed to practice medicine in the State of Louisiana who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a JCAH accredited hospital.

**Practice of midwifery**—The term *practice of midwifery* shall mean holding oneself out to the public as being engaged in the business of attending, assisting or advising a woman during the various phases of the interconceptional and childbearing periods with the supervision of a physician who is actively engaged in a clinical practice of obstetrics and has hospital privileges in obstetrics in a JCAH accredited hospital.

**Supervision of a physician**—The term *supervision of a physician* shall mean that the client shall be seen by a physician for physical examination at least once during the first or second trimester of pregnancy and again at least once within the last four weeks of pregnancy.

## **Subchapter B. Qualifications for License**

### **§2305. Scope of Subchapter**

The rules of this Subchapter govern the licensing of midwives who in order to become licensed midwife practitioners must meet all of the criteria listed in this Subchapter.

### **§2307. Qualifications for License**

- A. To be eligible for a license, an applicant shall:
1. be at least 21 years of age and shall have graduated from high school;
  2. be a citizen of the United States and a resident of the State of Louisiana;
  3. be currently certified in advanced cardiac life support (ACLS) technique;
  4. have completed one college-level course (at least 3 semester hours) in an accredited college or university in each of the following subjects: human anatomy, human physiology, biology, micro-biology, psychology and nutrition;
  5. have completed all of the requirements for a course of study in the theory of pregnancy and childbirth listed in §2355;
  6. have met, within three years prior to the time of application, the following requirements for practical experience:
    - a. 100 prenatal visits on at least 25 different women;
    - b. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
    - c. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
    - d. 25 newborn examinations;
    - e. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
    - f. five repairs of lacerations in addition to any practice on nonhuman subjects;
    - g. five observations of in-hospital births involving high risk obstetric care;
    - h. observation of one complete series of at least six prepared childbirth classes offered by an approved provider;
  7. have demonstrated professional competence in the practice of midwifery by passing a written examination administered by the board.

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

qualifications in the manner prescribed by, and to the satisfaction of, the board.

C. Licensure as a licensed midwife practitioner shall be accomplished only through adherence to the requirements of this Subchapter; there is no reciprocity with other jurisdictions.

### **§2309. Procedural Requirements**

In addition to the substantive qualifications specified in §2307, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§2311 to 2315 of this Chapter and the procedures and requirements for examination administered by the board provided by §§2319 to 2333 of this Chapter.

## **Subchapter C. Application**

### **§2311. Purpose and Scope**

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as a licensed midwife practitioner in the State of Louisiana.

### **§2313. Application Procedure**

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

B. An initial application must be received by the board on or before March 31 if the applicant desires to sit for the June administration of the comprehensive examination, or on or before August 31 if the applicant desires to sit for the December administration. Completed applications must be received by the board on or before April 30 or October 31 respectively, in order for an applicant to be eligible to sit for the June or December administration of the comprehensive examination.

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

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

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

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

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

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

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

### **§2315. Effect of Application**

A. The submission of an application for licensing to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant



has applied for license, permit, certificate or registration, each physician or certified nurse-midwife who has supervised the applicant's clinical experience, each person, firm, corporation, trainer, education service or institution from whom the applicant has received instruction in the theory of pregnancy and childbirth, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership to disclose and release to the board any and all information and documentation concerning the application which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

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

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to Subsections A or B of this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the midwife licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Human Resources; and federal, state, county or parish and municipal health and law enforcement agencies.

#### **Subchapter D. Examination**

##### **§2317. Scope of Examination**

The examination pursuant to R.S. 37:3244C(4) shall be administered by the board in two parts. After the applicant completes the instruction in the basic sciences and before an apprentice permit may be obtained, a test covering the basic sciences must be successfully passed. After clinical instruction in lay midwifery and completion of the course in the theory of pregnancy and childbirth, the applicant must successfully pass a comprehensive examination comparable to that administered by other states which license the practice of midwifery and designed to test knowledge of theory regarding pregnancy and childbirth and to test practical judgment in midwifery care management.

##### **§2319. Eligibility for Examination**

To be eligible for the basic sciences examination, an applicant must provide the board documented evidence of the items required in §2339.B.1 through B.4

To be eligible for comprehensive examination by the board, an applicant shall possess all qualifications for licensure prescribed by §2307A and present evidence satisfactory to the board that the applicant possesses the technical skills essential to the practice of midwifery. Satisfactory evidence shall include verification by the physician or certified nurse-midwife who supervised the applicant's clinical experience that the applicant has evidenced the skills essential to the practice of midwifery during her apprenticeship.

##### **§2321. Dates, Places of Examination**

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

##### **§2323. Administration of Examination**

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

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or any assistant proctor.

##### **§2325. Subversion of Examination Process**

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §2329 of this Subchapter.

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

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

10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

#### **§2327. Finding of Subversion**

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

B. In the event of suspected conduct described by §2325.B.5 or 6, the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by §2329 of this Subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

#### **§2329. Sanctions for Subversion of Examination**

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for permit to be an apprentice or for licensure as a licensed midwife practitioner in the State of Louisiana.

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

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

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

#### **§2331. Passing Score**

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

#### **§2333. Restriction, Limitation on Examinations**

A. A passing score must be attained by an applicant upon completion of all sections of the examination taken during a single administration of the entire examination. An applicant who fails the examination but who meets all other requirements may retake the examination three times.

B. An applicant having failed to attain a passing score upon

taking the examination three times shall not be considered for permit or licensure and shall not be eligible to take the examination again.

#### **§2335. Lost, Stolen or Destroyed Examinations**

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

B. In the event that one or more of the sections of the examination taken by an applicant are lost, stolen or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the board to sit for and take such sections at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains on such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's score which shall be accepted by the board notwithstanding §2333.A of this Subchapter.

#### **Subchapter E. Restricted Licensure, Apprentice Permits** **§2337. Restricted Licensure in General**

A. With respect to applicants who do not meet or possess the practical experience requirements necessary for licensure, the board shall issue an apprentice permit which would authorize the applicant to obtain, under supervision, the required practical experience.

B. Receipt of an apprentice permit shall not be construed to provide any right or entitlement whatsoever to licensure as a licensed midwife practitioner or to engage in the practice of midwifery.

#### **§2339. Apprentice Permit**

A. An apprentice permit authorizes the applicant to obtain the practical experience required for licensure under the supervision of a physician or a certified nurse-midwife under supervision of a physician.

B. The permit will be issued only to persons who provide documented evidence of:

1. completion of the required basic sciences courses;
2. a high school diploma;
3. verification of the apprentice/supervisor relationship from the person or persons supervising the applicant;
4. current certification in advanced cardiac life support (ACLS) technique;
5. successful passage of the basic sciences examination.

C. The permit is valid only so long as the verified relationship exists. The apprentice permit is valid for a period of one year from the date of issuance and may be renewed at the discretion of the board.

D. The apprentice permit shall be issued by the board within 15 days following the meeting of the board next following the date on which all of the requisite documented evidence, including the score on the basic sciences examination, is received by the board.

#### **Subchapter F. License Issuance, Termination, Renewal, Reinstatement**

#### **§2341. Issuance of License**

A. If the qualifications, requirements and procedures prescribed or incorporated by §§2307 to 2309 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of midwifery in the State of Louisiana.

B. A license issued under §2307 of this Chapter shall be

issued by the board within 30 days following the reporting of the applicant's score on the examination.

#### **§2343. Expiration of Licenses and Permits**

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

B. The timely submission of an application for renewal of a license, or a permit, as provided by §2345 of this Chapter, shall operate to continue the expiring license or permit in full force and effect pending issuance of the renewal license or permit.

#### **§2345. Renewal of License**

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

B. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter on or before the first day of December of each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

C. Any person who files for renewal of licensure shall present a current advance cardiac life support (ACLS) certification and shall be required to show proof of completion of ten hours of continuing education as approved by the board.

#### **§2347. Revocation of License**

Any license not renewed on or before January 1 of each year shall be revoked within 30 days of expiration following written notification by certified mail.

#### **§2349. Reinstatement of License**

A. A license which has been revoked may be reinstated upon application for reinstatement on forms supplied by the board.

B. Any person who files for licensure or reinstatement after January 1 and before February 1 of the same year shall be required to pay a late fee of \$50 in addition to the applicable renewal fee.

C. Any person who has not filed for renewal or reinstatement of licensure by February 1 shall be required to retake and pass the examination and pay the examination fee before license is reinstated.

### **Subchapter G. Education**

#### **§2351. Course of Study**

Every applicant seeking licensure must successfully complete a course of didactic study, which includes instruction on the basic sciences and a course on the theory of pregnancy and childbirth, in clinical instructions in lay midwifery.

#### **§2353. Basic Sciences**

Every applicant seeking licensure must successfully complete one college-level course of at least 3 semester hours in each of the following basic sciences: human anatomy, human physiology, biology, micro-biology, psychology and nutrition.

#### **§2355. Theory of Pregnancy and Childbirth**

A. The board shall, on the advice of the Licensed Midwife Practitioner Advisory Committee, periodically maintain and periodically revise a list of approved courses, texts and trainers covering the subject matters which shall comprise a course of study in the theory of pregnancy and childbirth. The board may use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any required subject matter. All or part of the course may be obtained through self-study.

B. A course of study and theory of pregnancy and childbirth must include the following: basic aseptic techniques, basic

observation skills, basic prenatal nutrition, basic parental education for prepared childbirth, provision of care during the antepartum, intrapartum, postpartum and newborn periods, management of birth and immediate care of the mother and the newborn in out-of-hospital settings, recognition of early signs of possible abnormalities, recognition and management of emergency situations, special requirements of out-of-hospital births, obstetrical pharmacology and medicolegal aspects of midwifery.

#### **§2357. Clinical Experience**

A. Clinical experience in midwifery is required for every applicant for licensure. Clinical experience may be obtained in any setting (i.e., office, clinic, hospital, maternity center, home, etc.). Clinical experience shall include instruction on basic nursing skills, including but not limited to vital signs, perineal prep, enema, urethral catheterization, aseptic techniques, administration of medication both orally and by injection, local infiltration for anesthesia, administration of intravenous fluids, venipuncture, infant and adult resuscitation, fetal heart tones, edema, routine urinalysis, and cutting and repair of episiotomy.

B. Clinical experience, shall, also, include care of women in the antipartum, intrapartum, and postpartum periods. Clinical practice must include at least the following types of numbers of experiences (with out-of-hospital births making up at least one-half of the clinical experience):

1. 100 prenatal visits on at least 25 different women;
2. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
3. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
4. 25 newborn examinations;
5. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
6. five repairs of lacerations in addition to any practice on non-human subjects;
7. five observations of in-house births involving high-risk obstetric care;
8. observation of one complete series of at least 6 prepared childbirth classes offered by an approved provider.

#### **§2359. Supervision of Clinical Experience**

Apprentice licensed midwife practitioners must obtain their clinical experience under the supervision of a physician or a certified nurse-midwife under the supervision of a physician. This must be direct, present in the same room supervision.

#### **§2361. Continuing Education**

A. In each registration period, ten contract hours of continuing education must be obtained. Suitable topics include midwifery management in the antipartum, intrapartum, postpartum and newborn periods, risk assessment, early recognition of potential problems; midwifery management of emergency situations; ethics, legal aspect of practice.

B. Continuing education may be obtained through organized courses, conferences, area midwife meetings, or other mechanism as approved by the board.

C. In any calendar year, the board may require specific topics of continuing education based upon any problem areas indicated by licensed midwives practitioners' reports.

### **Subchapter H. Licensed Midwife Practitioner Advisory Committee**

#### **§2363. Advisory Committee**

A. The board shall appoint a Licensed Midwife Practitioner Advisory Committee which will assist in the development, practice and problems in midwifery, and will assist the board's staff in the development of examinations.

B. The Licensed Midwife Practitioner Advisory Committee will be composed of 6 members, all of whom should preferably

have out-of-hospital birth experience: two physicians who actively engage in perinatal care, two practicing midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners.

C. The Licensed Midwife Practitioners Advisory Committee will meet at least annually to evaluate the practice of midwifery.

#### **Subchapter I. Prohibitions and Revocation of License**

##### **§2365. Unlawful Practice**

No person shall use in connection with his name or place of business the words "licensed midwife practitioner," the initials "LMP" or any other words, letters or insignia indicating or implying that he or she is a licensed professional midwife practitioner or represent himself or herself as such in any way orally, in writing, in print or by sign directly or by implication unless he or she has been licensed as such under the provisions of these regulations.

##### **§2367. Revocation of License**

A. The board may refuse to issue, suspend for a definite period or revoke a license for any of the following causes:

1. dereliction of any duty imposed by law;
2. incompetence as determined by local midwifery standards;
3. conviction of a felony;
4. practicing while suffering from a communicable disease, as defined in the Louisiana Sanitary Code, Chapter II, Section 2:0001, which may be spread to a pregnant woman or to her newborn child during delivery or after birth;
5. practicing under a false name or alias;
6. violation of any of the standards of practice set forth herein;
7. obtaining any fee by fraud or misrepresentation;
8. knowingly employing, supervising or permitting, directly or indirectly, any person or persons not an apprentice or licensed midwife to perform any work covered by these regulations;
9. using or causing or promoting the use of any advertising matter, promotional literature, testimonial or any other representation, however disseminated or published, which is misleading or untruthful;
10. representing that the service or advice of a person licensed to practice medicine will be used or made available when that is not true or using the words "doctor," or similar words, abbreviations or symbols so as to connote the medical profession, when such is not the case;
11. permitting another to use the license;
12. delinquency in submission of application and supporting documents for license renewal of 30 days or more;
13. obtaining licensure by means of fraud, misrepresentation or concealment of material facts;
14. guilty of fraud or deceit in connection with services rendered;
15. violating any lawful order, rule or regulation rendered or adopted by the board.

##### **§2369. Penalties**

A. Whoever violates §2365 shall be fined not less than \$100 nor more than \$500, or imprisoned for not less than 30 days or both.

B. If a person licensed to practice midwifery under the provisions of these regulations is found guilty of violating any provisions of these regulations, the board may fine the practitioner a sum of not more than \$1,000 and may suspend or revoke the license of the midwife practitioner.

C. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of these regulations. In a suit for injunction, the

court may issue a fine of not less than \$100 against any person found in violation of the provisions of these regulations plus court costs and attorney's fees.

##### **§2371. Hearing**

Any person who is disciplined or denied a license or has a license suspended or revoked or is otherwise penalized under these regulations will be notified in writing and afforded the opportunity of a hearing conducted pursuant to the Louisiana Administrative Procedure Act.

##### **§2373. Persons not Affected**

Any person authorized by the Louisiana State Board of Nursing to practice as a certified nurse-midwife in the state shall not be affected by the provisions of these regulations.

#### **Subpart 3. Practice**

#### **Chapter 53. Lay Midwives**

##### **Subchapter A. Standards of Practice**

##### **§5301. Scope of Practice**

Licensed midwife practitioners may provide care only to low risk clients determined by physician evaluation and examination to be prospectively normal for pregnancy and childbirth, and at low risk for the development of medical complications. Licensed midwife practitioners shall provide such care with the supervision of a physician who is actively engaged in the practice of obstetrics.

##### **§5303. Skills**

All midwives shall have the skills necessary for safe practice, including the ability to assess, monitor, on an ongoing basis, and manage normal antipartum, intrapartum and postpartum situations; perform newborn evaluations; identify and assess maternal, fetal and infant deviations from normal; provide effective lifesaving measures, including CPR; manage emergency situations appropriately; establish and maintain aseptic techniques and master basic observational skills, and those special observational skills required for out-of-hospital deliveries.

##### **§5305. Community Resources**

The licensed midwife practitioner must be familiar with community resources for pregnant women such as prenatal classes, the parish health unit and supplemental food programs. The client shall be referred to such resources as appropriate and encouraged to take a prepared childbirth, preferably one oriented toward home birth.

##### **§5307. Appropriate Equipment**

All licensed midwife practitioners shall have available, for their immediate use, appropriate birthing equipment, including equipment to assess maternal, fetal and newborn well-being, maintenance aseptic technique, perform emergency maternal or infant resuscitation, and accomplish all permitted emergency procedures. All equipment used in the practice of midwifery shall be maintained in an aseptically clean manner, and be in good working order.

##### **§5309. Screening**

All midwives will use risk factor assessments of their clients in order to establish their initial and continuing eligibility for midwifery services. Clients will be informed of their risk status. All midwives have the right and responsibility to refuse or discontinue services to clients based on these risk factors and to make appropriate referrals when indicated for the protection of the mother and baby. All final decisions on risk factors will be made by the midwife and the client's backup physician.

##### **§5311. Medical Evaluation**

The licensed midwife practitioner must require that the client have a physical examination by a physician and be found to be essentially normal or at low risk before her care can be assumed.

##### **§5313. Required Tests**

Initial physician examination shall include clinical pelvimetry, and the following laboratory tests—GC screen, blood group

and Rh, hematocrit, or hemoglobin, rubella titer, and urinalysis. Hematocrit or hemoglobin must be rechecked at 28 and 36 weeks gestation. The midwife must insure that all women she plans to deliver receive the required tests. Additionally, if no objection is made to the taking of a VDRL test, the physician shall include such test in his examination. The midwife must ensure that the VDRL test was offered to the client.

#### **§5315. Acceptance of Clients**

A. Prior to the acceptance of a client for care, a licensed midwife practitioner shall inform the client orally and in writing that:

1. Certain risks and benefits exist for home birth and certain risks and benefits exist for other childbirth alternatives, (including hospital, physician-assisted birth). The midwife is responsible for informing the client of the risks and benefits of all childbirth options to insure informed consent.
2. Regular antipartum care is required if the midwife is to attend the birth.
3. Certain medical conditions may preclude midwife attendance at birth or continued midwife care during any phase of the pregnancy. The client must make arrangements for the services of a backup physician who is located within a 50 mile radius of the client's home and the plan delivery site.
4. The midwife will develop a plan for obtaining consultation and/or backup from the client's backup physician, and will consult with the client's backup physician or transfer their clients when necessary.
5. Emergency transport may be required in certain situations, when situations warrant emergency transport and the hazards involved.
6. Anyone seeking a home birth must give the licensed midwife practitioner a specific consent for home birth prior to the onset of labor.
7. The midwife agrees to provide a copy of the labor, birth and newborn record to the client.
8. The midwife's agreement can be terminated at any time that she deems it necessary for maintenance of the client's mental and physical safety. When termination occurs, the reason for termination will be given in writing and an alternative source of care indicated.

B. Prior to accepting care for a client, the midwife shall consult with a physician who performed the medical evaluation to ensure that the client is at low or normal risk for pregnancy.

C. After accepting care, the midwife shall obtain a detailed obstetric and medical history of the client, including the results of all tests conducted during the medical evaluation.

#### **§5317. Prenatal Visits**

Prenatal visits should be every 4 weeks until 28 weeks gestation, every 2 weeks from 28 until 35 weeks gestation and weekly from 36 until delivery.

#### **§5319. Physician Visit**

Each client must be evaluated by a supervision physician at or near the 36th week. The purpose of this visit is to insure that the client has no potentially serious medical conditions and has no medical contradictions for delivery by a licensed midwife practitioner or for home birth.

#### **§5321. Advance Preparation for Need**

The licensed midwife practitioner, prior to the onset of labor, must make arrangements for the transport of mother and infant to a hospital and know the client's arrangements for a backup physician and hospitalization should these needs arise.

#### **§5323. Hospitalization**

The licensed midwife practitioner shall accompany to the hospital any mother or infant requiring hospitalization, giving any pertinent written records and verbal report to the physician assuming care. If possible, she should remain with the mother and/

or infant to ascertain outcome. In those instances where it is necessary to continue providing necessary care to the party remaining in the home, the midwife may turn over the care of the transport of mother or child to qualified emergency or hospital personnel. All necessary written records shall be forwarded with such personnel and a verbal report must be given.

#### **§5325. Home Visit**

For home birth, the licensed midwife practitioner will make a home visit 3-5 weeks prior to the expected date of confinement EDC to assess the physical environment, including the availability of telephone and transportation, to ascertain whether the woman has all the necessary supplies, to prepare the family for the birth, and to instruct the family to correct problems and/or deficiencies.

#### **§5327. Normal Delivery**

The licensed midwife practitioner shall remain with the mother and infant for at least two hours postpartum, or until the mother's condition is stable and the infant's condition is stable, whichever is longer. Maternal stability is evidenced by normal blood pressure, normal pulse, normal respirations, firm fundus and normal lochia. Infant stability is evidenced by established respirations, normal temperature, and strong sucking.

#### **§5329. Examination and Labor**

The licensed midwife practitioner will not perform any vaginal examinations on a woman with ruptured membranes and no labor, other than an initial examination to be certain that there is no prolapsed cord. Once active labor is assured in progress, exams may be made as necessary.

#### **§5331. Operative Procedures**

The licensed midwife practitioner will not perform, routinely, an operative procedure other than: artificial rupture of membranes when the head is well engaged or at zero station, clamping and cutting the umbilical cord, repair of first or second degree perineal lacerations or repair of episiotomy, if done.

#### **§5333. Medications**

A. A midwife licensed under Chapter 23 shall administer an eye prophylaxis to prevent infant blindness which is authorized by the department and may administer the following medications under the conditions indicated:

1. oxygen for fetal distress, infant resuscitation;
2. local anesthetic, by infiltration, only for the purpose of postpartum repair of tears, lacerations or episiotomy (no controlled substances);
3. Vitamin K, by injection, for control of bleeding in the newborn;
4. Oxytocin (pitocin) by injection or orally, only for postpartum control of maternal hemorrhage;
5. intravenous fluids (Ringer's Lactate with or without D5W, normosol-R with or without D5W) with no additional medications added.

B. A midwife licensed under these regulations may lawfully have possession of small quantities of the above-named medications and the equipment normally required for administration. Each use of medication shall be reported in the midwife's client charts, and shall be summarized in a semi-annual report provided to the board.

#### **§5335. Collection of Presentation**

The licensed midwife practitioner will not attempt to correct fetal presentations by external or internal version nor will the midwife use any artificial, forcible or mechanical means to assist the birth.

#### **§5337. Emergency Measures**

A. The following measures are permissible in an emergency situation:

1. cardiopulmonary-resuscitation;
2. episiotomy;

3. intramuscular administration of pitocin for the control of postpartum hemorrhage in accord with the prescription or a standing order from a physician.

B. When any of the above measures are utilized, a special report must be filed within 10 days with the board describing in detail the emergency situation, the measure taken and the outcome.

C. Any client upon whom an emergency measure is taken must immediately be examined by the backup physician.

#### **§5339. Prevention of Infant Blindness**

Within one hour of birth, the licensed midwife practitioner shall administer two drops of 1 percent solution of silver nitrate or other agent of equal effectiveness and harmlessness into the eyes of the infant in accordance with all of the State of Louisiana's regulations governing the prevention of infant blindness.

#### **§5341. Birth Registration**

The licensed midwife practitioner must complete a birth certificate and file it with the registrar within 5 days of the birth.

#### **§5343. Physician Evaluation of Newborn**

The licensed midwife practitioner must recommend that any infant delivered by the midwife be evaluated by a physician within 3 days of age or sooner if it becomes apparent that the newborn needs medical attention for problems of, but not limited to, congenital anomalies.

#### **§5345. Postpartum Visits**

The licensed midwife practitioner shall make postpartum visits to evaluate the condition of mother and infant at least twice—once within 36 hours of birth, and once on the 4th or 5th postpartum day.

#### **§5347. Record Keeping and Report Requirements**

A. All midwives shall keep accurate and complete records of all care provided and data gathered for each client. Licensed midwife practitioners will semi-annually submit a summary report in a form prescribed by the board of the statistics of each birth attended. This report must be submitted within the months of January and July of each year. Midwives shall provide all other reports as required and mandated by the board.

B. The midwife shall maintain an individual client chart for each woman under her care. The chart shall include results of laboratory tests, observations from each prenatal visit, records of consultations with physicians or other health care providers, and a postpartum report concerning labor, delivery and condition of the newborn child. The chart shall be made available to the client upon request, and with the client's consent, to any physician or health care provider who is called in as a consultant or backup. This chart shall be kept on standard obstetric forms, or other forms approved by the board. Inactive records shall be maintained no less than 10 years. All records are subject to review by the board.

C. Evidence of the required medical evaluation and physician visits shall be maintained in the client's records.

D. The attending midwife shall prepare a summary of labor, delivery and assessment of the newborn, using the Hollister form, or an alternate form containing substantially similar information. One copy of each summary shall be retained with the client's chart and one copy transmitted to the pediatrician or family doctor.

E. Copies of the disclosure and consent forms required by §5315 and of the report required by §5337 shall be maintained in the records.

F. The attending midwife shall make a timely report of the birth incidents to the registrar.

G. In addition to the reports required for birth and death registration, the lay-midwife must report within 48 hours to the board any fetal, neonatal or maternal mortality in clients for whom she has cared.

#### **§5349. Statistics**

The board shall review all reports from licensed midwife practitioners, complete annual midwifery statistics and make them available to all interested groups or persons.

#### **Subchapter B. Phases of Maternity Care**

##### **§5351. Scope of Subchapter**

The rules of the Subchapter, and the care that is required of the licensed midwife practitioner to address the specific needs of the client during the various phases of the interconceptional and child bearing period.

##### **§5353. Initiation of Physical Care**

At the visit when physical care of the client is initiated, the licensed midwife practitioner shall review the results of the medical evaluation to insure that the client has received a general physical examination which included the taking of a comprehensive medical, obstetrical and nutritional history sufficient to identify potentially dangerous conditions that might preclude midwife care. The midwife must insure that the following examinations have been completed for each client: a pelvic examination to size the uterus, aspeculum examination, blood pressure, routine bloodwork (CBC with differential, rubella titer, VDRL, hematocrit or hemoglobin, Rh, and antibody screening) Pap smear, height, weight and urine testing for glucose and protein. After conducting these examinations or reviewing their results, the midwife shall make an initial nutritional assessment, counsel the clients as to the nutritional needs of mother and fetus during pregnancy, and develop a comprehensive plan of care for the client which identifies all problems and need for consultation and establishes realistic health care goals.

##### **§5355. Routine Antepartum Care**

A. At each prenatal visit, the midwife will check the client's weight, blood pressure, fundal height, urinalysis (protein and glucose) and general health including checking for pain, bleeding, headaches, edema, dizziness and other symptoms of preeclampsia. The midwife shall monitor uterine measurements, fetal heart tones and fetal activity and shall obtain a medical and nutritional history since the last visit. The midwife shall conduct or arrange for additional laboratory tests as indicated, including Rh antibody screening, blood sugar screening, gonorrhea culture and periodic hematocrit or hemoglobin screening.

B. A record of fetal heart rate and rhythm shall be made at least every 30 minutes during first stage, after each contraction in second stage and after rupture of membranes. The duration, interval and intensity of uterine contraction and material blood pressure shall be recorded at least every hour and immediately after delivery.

C. During labor and delivery, the attending midwife is responsible for monitoring the condition of mother and fetus; assisting with the delivery; coaching labor, repairing minor tears as necessary; examining and assessing the newborn; inspecting the placenta, membranes, and cord vessel; inspecting the cervix and upper vaginal vault, if indicated, and managing any third-stage material bleeding.

##### **§5359. Routine Postpartum Care**

A. The licensed midwife practitioner shall remain in attendance for at least 2 hours after the delivery.

B. Immediately following delivery of the placenta the midwife must determine that the uterus is firmly contracted without excessive bleeding. The uterus should be massaged firmly to stimulate contraction if relaxation is noted.

C. In case of an unsensitized Rh negative mother, the midwife shall obtain a sample of cord blood from the placenta and arrange for testing within 24 hours of the birth and insure referral to back-up physician so that the mother receives Rh immunoglobulin as indicated within 72 hours of delivery.

D. The midwife shall provide the client with information

concerning routine postpartum care of the mother and infant, including information on breastfeeding, care of navel and perineal care.

E. The midwife shall recommend that the parents immediately contact the pediatrician or family doctor who will be assuming care for the infant to arrange for a neonatal examination. The midwife shall provide the doctor with her written summary of labor, delivery and assessment of the newborn and shall be available to consult with the doctor concerning the infant's condition.

F. The midwife shall make postpartum visits at least twice—once within 36 hours of birth and once on the fourth or fifth postpartum day. The purpose of these visits is to ascertain that the infant is alert, has good color, is breathing well and is establishing a health pattern of waking, feeding and sleeping and that the mother is not bleeding excessively, has a firm fundus, does not have a fever or other signs of infection, is voiding properly and is establishing successful breastfeeding. In the event that any complications arise, the midwife shall consult with a physician or other appropriate health care provider or shall insure that the client contacts her own physician.

G. The midwife may conduct a postpartum office visit not later than six weeks postpartum, to include a recommendation for rubella vaccine if indicated, counseling concerning contraception and answering any other questions that have arisen. Alternatively, the client may be referred back to her primary care physician or other health care provider for this care.

H. The midwife shall encourage the mother to have a postpartum evaluation conducted by a physician within 2 to 6 weeks after delivery.

#### **§5361. Required Newborn Care**

A. The licensed midwife practitioner shall be responsible for care immediately following the delivery only. Subsequent infant care should be managed by a physician or a physician/registered nurse team. This does not preclude the midwife from providing counseling regarding routine newborn care and breastfeeding and arranging for the neonatal tests required by state law. If any abnormality is suspected, the newborn must be sent for medical evaluation as soon as possible.

B. Immediately following delivery the midwife shall:

1. wipe face, then suction (with bulb syringe) mouth and nose if necessary;
2. prevent heat loss by the neonate;
3. determine Apgar scores at 1 and 5 minutes after delivery;
4. observe and record: skin color and tone, heart rate and rhythm, respiration rate and character, estimated gestational age (premature, term or post-mature), weight, length and head circumference.

C. The midwife shall insure that a medically acceptable drug for eye prophylaxis is available at the time of delivery and take appropriate measures designed to prevent infant blindness.

D. The midwife is responsible for insuring and documenting that a PKU test and all other neonatal tests required by state law are performed on the infant between 24 hours and no later than 14 days after birth. If any of the tests are positive, the midwife shall notify the department. If the parents object to such tests being performed on the infant, the midwife shall document this objection.

E. The midwife shall leave clear instructions for follow-up care including signs and symptoms of conditions that require medical evaluation.

#### **Subchapter C. Risk Factors**

##### **§5363. Unapproved Practice**

A. The licensed midwife practitioner shall provide care only to clients determined to be at low or normal risk of developing

complications during pregnancy and child birth by a supervising physician.

B. The midwife shall not knowingly accept responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous Cesarean section or other known uterine surgery such as hysterotomy or myomectomy;
2. has a history of difficult to control hemorrhage with previous deliveries;
3. has a history of thrombophlebitis or pulmonary embolism;
4. has diabetes, hypertension, Rh disease with positive titer, active tuberculosis, active syphilis, active gonorrhea, epilepsy, hepatitis, heart disease, kidney disease or blood dyscrasia;
5. contracts genital herpes simplex in the first trimester or has active genital herpes in the last four weeks of pregnancy;
6. has a contracted pelvis;
7. has severe psychiatric illness or a history of severe psychiatric illness in the 6 month period prior to pregnancy;
8. is addicted to narcotics or other drugs;
9. ingests more than 2 ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;
10. smokes 20 cigarettes or more, per day, and is not likely to cease in pregnancy;
11. has a multiple gestation;
12. has a fetus of less than 27 weeks gestation at the onset of labor;
13. has a gestation beyond 41  $\frac{4}{7}$  weeks by dates and examination;
14. has a fetus in any presentation other than vertex at the onset of labor;
15. is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor;
16. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;
17. has preeclampsia;
18. has a parity greater than 5;
19. is younger than 16 or a primipara older than 40.

##### **§5365. Required Physician Consultation**

A. The midwife shall obtain medical consultation or refer for medical care any woman who during the antepartum period:

1. develops edema of the face and hands;
2. develops severe, persistent headaches, epigastric pain or visual disturbances;
3. develops a blood pressure of 180/90 on an increase of 30mm Hg systolic or 15mm Hg diastolic even normal blood pressure;
4. does not gain 14 pounds by 30 weeks gestation or at least 4 pounds a month in the last trimester or gains more than 6 pounds in two weeks in any trimester;
5. develops glucosuria or proteinuria;
6. has symptoms of vaginitis;
7. has symptoms of urinary tract infection;
8. has vaginal bleeding before onset of labor;
9. has rupture of membranes prior to 37 weeks gestation;
10. has marked decrease in or cessation of fetal movement;
11. has inappropriate gestational size;
12. has demonstrated anemia by blood test (hematocrit less than 30 percent);
13. has a fever of 100.4 degrees F or 38 degrees C for 24 hours;
14. has effacement and/or dilation of the cervix prior to 36 weeks gestation;
15. has polyhydramnios or oligohydramnios;

16. has excessive vomiting or continued vomiting after 24 weeks gestation;
17. is found to be Rh negative;
18. has severe, protruding varicose veins of extremities or vulva;
19. has known structural abnormalities of the reproductive tract;
20. has a history of 2 or more stillbirths from any cause or of stillbirth where cause was unpreventable;
21. has an abnormal Pap smear;
22. reaches a gestation of 41  $\frac{4}{7}$  weeks by dates and examination.

B. The midwife shall obtain medical consultation or refer for medical care any woman who during the intrapartum period:

1. develops a blood pressure of 140/90 or an increase of 30 mm Hg systolic or 15 mm Hg diastolic over her normal blood pressure;
2. develops severe headache, epigastric pain or visual disturbance;
3. develops proteinuria;
4. develops a fever over 100.4 degrees F or 38 degrees C;
5. develops respiratory distress;
6. has persistent or recurrent fetal heart tones below 100 or above 160 beats per minute between or during contractions, or a fetal heart rate that is irregular;
7. has ruptured membranes without onset of labor after 12 hours;
8. has bleeding prior to delivery;
9. has meconium stained amniotic fluid with abnormal fetal heart tones;
10. has a presenting part other than vertex;
11. does not progress in effacement, dilation or station after 2 hours in active labor (or 1 hour if distance to hospital is greater than 1 hour);
12. does not show continued progress to deliver after 2 hours of second stage labor (or 1 hour if distance to hospital is greater than 1 hour);
13. does not deliver the placenta within 1 hour if there is no bleeding and the fundus is firm (or 30 minutes, if distance to hospital is greater than 1 hour);
14. has a partially separated placenta with bleeding or with a blood pressure below 100 systolic or with a pulse rate over 100 beats per minute or who is weak and dizzy;
15. bleeds more than 500 cc (2 cups) with or after the delivery of the placenta;
16. has retained placental fragments or membranes;
17. desires medical consultation or transfer.

C. The midwife shall obtain medical consultation or refer for medical care any woman who during the postpartum period:

1. has a third or fourth degree laceration;
2. has uterine atony;
3. bleeds in an amount greater than normal lochial flow;
4. does not void within 6 hours of birth;
5. develops a fever greater than 100.4 degrees F or 38 degrees C on any 2 of the first 10 days postpartum excluding the first 24 hours;
6. develops foul smelling lochia;
7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin and/or weak pulse.

D. The midwife shall obtain medical consultation or refer for medical care any infant who:

1. has an apgar score of 7 or less at 5 minutes;
2. has any obvious anomaly;
3. develops grunting respirations, retractions or cyanosis;
4. has cardiac irregularities;

5. has a pale, cyanotic or grey color;
6. develops jaundice within 48 hours of birth;
7. has an abnormal cry;
8. weighs less than 5 pounds or 2500 grams or weighs more than 9 pounds or 4100 grams;
9. shows signs of prematurity, dysmaturity or postmaturity;
10. has meconium staining;
11. does not urinate or pass meconium in the first 12 hours after birth;
12. is lethargic or does not feed well;
13. has edema;
14. appears weak or flaccid, has abnormal feces or appears not to be normal in any other respect.

Delmar Rorison  
Executive Administrative Assistant

### DECLARATION OF EMERGENCY

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

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

#### Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Volume 51, Number 37, Tuesday, February 25, 1986, pgs. 6511-6514.

It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a March 27, 1986 implementation date.

#### Emergency Rulemaking

Effective March 27, 1986, if the cost of producing self-employment income exceeds the income derived from self-employment as a farmer, such losses will be offset against other countable income in a household. To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1000 or more from the farming enterprise. The same base that is used to determine income from self-employed farm operations shall be used to determine any net loss. Losses should be prorated over the year in a manner comparable to that used to prorate farm self-employment income.

Also effective March 27, 1986, residents of publicly operated community mental health centers which provide the same type of residential programs for alcoholic or drug rehabilitation as private, non-profit institutions will be considered an individual household and, if eligible, may participate in the Food Stamp Program.

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

### DECLARATION OF EMERGENCY

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

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

#### Summary

The Food Stamp Program requested a waiver of 7 CFR 273.21(f)(2) to allow annualization of interest income for retroactively budgeted monthly reporting households. The United



States Department of Agriculture (USDA) approved the waiver for one year.

The waiver was requested to simplify budgeting procedures and to make it consistent with prospective budgeting procedures which are used in the majority of the caseload. This waiver will reduce client error and worker error which will result in the more effective and efficient administration of the program. An emergency rule is necessary so that we can immediately reduce our error rate in this area in an effort to avoid or reduce federal fiscal sanctions which result in reduced program funding and would have an adverse impact on Food Stamp Households.

Emergency Rulemaking

#### PROPOSED RULE

Effective May 1, 1986, interest income received by retroactively budgeted monthly reporting households shall be annualized.

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

### DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services has exercised the emergency provision of the Administrative Procedure Act, (R.S. 49:953 B) to limit certain services provided through the Handicapped Children's Services Program (HCSP).

Effective March 20, 1986 the following services will no longer be provided or will be limited as below:

1. corrections of minor orthopedic conditions such as flat feet, internal and external tibial torsion;
2. purchase of shoes unless attached to braces;
3. purchase of eyeglasses for refractive errors;
4. purchase of (re)habilitation devices, bathtub chairs, communication devices, raised toilet seats, etc.;
5. new craniofacial plastic surgery (except if craniostenosis would cause brain damage);
6. delete purely cosmetic surgery;
7. limit elective surgery (such as hypospadias repair) depending upon resources available and with the agreement of physicians and the program administrator; and,
8. delete all special services beyond case management for children on the Supplemental Security Income Disabled Children's Program.

This emergency rule is necessary to comply with budget reductions in the present fiscal year (Fy 85-86).

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

### DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to put into effect the rules of operation for the Department of Health and Human Resources Council on the Purchases of Products and Services of Severely Disabled Persons, effective May 1, 1986.

This rule allows the council to operate and award contracts to the state operated and state supported sheltered workshops which will provide employment opportunities to the severely disabled citizens of Louisiana. This rule constitutes an emergency sit-

uation because these contracts are awarded on an annual basis as they expire and if they cannot be awarded, they are lost for 12 months or possibly lost completely. This will have severe economic impact on workshops and the lives of many of the severely disabled.

Act 109 of 1984 authorizes the Department of Health and Human Resources to adopt these rules.

A copy of said rules of operation are available for review in the Office of the Assistant Secretary, Office of Human Development.

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

### DECLARATION OF EMERGENCY

#### Department of Public Safety and Corrections Office of the Secretary

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, and under the authority of LRS 3:3203, the secretary of the Department of Public Safety and Corrections hereby declares that R.S. 14:402 prohibits the bringing of contraband into or out of an institution and to do so presents an imminent peril to the life, health or property of the citizens of the State of Louisiana and further, that the United States and Louisiana Constitutions prohibit unreasonable searches. Therefore, the secretary of the Department of Public Safety and Corrections hereby establishes the following search regulations pertaining to visitors at facilities within the Corrections Services division of the Department of Public Safety and Corrections and employees at facilities within the Corrections Services division of the Department of Public Safety and Corrections, pursuant to current court decisions regarding searches of visitors and employees:

Searches of Visitors

Property Search: Property searches may be conducted at any time.

Pat-Down Search: Pat-down searches may be conducted at any time when there is some degree of suspicion directed toward the visitor. General Search; Strip Search: These searches may be conducted if there is reasonable suspicion directed toward the specific visitor. Visual Body Cavity Search; Body Cavity Search: These searches may be conducted only with a search warrant.

Searches by drug-sniffing dogs: Searches of visitors and their property by trained drug-sniffing dogs may be conducted at any time.

Searches of Employees

Property Search: Property searches may be conducted at any time.

Pat-Down Search: Pat-down searches may be conducted at any time with the approval of the unit head, assistant unit head, or their designee.

General Search: May be conducted at any time with the approval of the unit head, assistant unit head, or their designee.

Strip Search: With the approval of the unit head, assistant unit head, or their designee, strip searches of employees may be conducted when there is reasonable suspicion directed toward a particular employee.

Visual Body Cavity Search and Body Cavity Search: Visual body cavity searches and body cavity searches of employees are not permitted absent a search warrant authorizing the search.

Searches by drug-sniffing dogs: Searches of employees and their property by trained drug-sniffing dogs may be conducted at any time. These regulations are effective April 17, 1986, and copies may be obtained at no cost by writing Joe E. Kopsa, Legal Services, Department of Public Safety and Corrections, Box 94304,

Baton Rouge, LA 70804, by calling 504/342-6743 or by coming in person to 654 Main Street, Baton Rouge, LA.

C. Paul Phelps  
Secretary

### **DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of R.S. 49:953B, the Administrative Procedure Act and under the authority of R.S. 56:497A the Wildlife and Fisheries Commission hereby authorizes and empowers the secretary of the Department of Wildlife and Fisheries to set a special white shrimp season during April 1986 if technical data indicates the need for such a season.

J. Burton Angelle  
Secretary

### **DECLARATION OF EMERGENCY**

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

In accordance with the Emergency provisions of R.S. 49:953B the Wildlife and Fisheries Commission is reducing the amount of shrimp harvested by use of cast nets from 100 pounds to 25 pounds per boat per day (heads on) on Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Refuge, Pointe au Chien Wildlife Management Area and Salvador Wildlife Management Area.

The emergency action is necessary due to the proposed special white shrimp season that may be set late in April.

J. Burton Angelle  
Secretary

# **Rules**

## **RULE**

### **Department of Agriculture Office of Animal Health Services Diseases of Animals Pet Turtles**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 56:638.1, the commissioner for the Department of Agriculture hereby adopts rules and regulations for the pet turtle industry as detailed below.

#### **Title 7**

#### **Agriculture and Animals**

#### **Part XXI. Diseases of Animals**

#### **Chapter 123. Pet Turtles**

#### **§12301. Definitions**

*Antibiotic* means any bactericide or other organic substance which can kill bacteria such as Salmonella and Arizona spp.

*Certified turtle farmer* means any individual, firm, corporation or entity engaged in the collection, hatching, sale or distribution of turtles using the Siebeling Method and inspected by the Louisiana Department of Agriculture.

*Certificate of inspection* means a document that is signed by a Louisiana licensed, accredited, and department approved

veterinarian which verifies species, dates of laboratory testing, turtle lot number and utilization of the Siebeling Method.

*Department* means the Louisiana Department of Agriculture.

*Garasol* is an antibiotic (gentamicin sulfate) dissolved in water to give a concentration of 1,000 ppm or a concentration as approved by the Food and Drug Administration (FDA).

*Health certificate* is a document issued by a Louisiana licensed, accredited, and department approved veterinarian to turtle farmers verifying a certificate of inspection, attaching a laboratory report and certifying that the veterinarian has inspected the turtles or eggs and that they are free of visible signs of infectious, contagious or communicable diseases. The health certificate and/or certificate of inspection shall be required before eggs or turtles are shipped or transported and before they are moved from a certified turtle farm into intrastate or interstate commerce.

*Laboratory* means a laboratory which has been certified by the Federal Food and Drug Administration (FDA) or other national accrediting agencies to perform microbiological and/or residue testing of organic or inorganic samples.

*Siebeling Method* means a process by which turtle eggs are cleaned, their surfaces disinfected and a bactericide forced through the pores of the shells without violating the natural, structural integrity of the shell, thereby rendering the hatchling Salmonella and Arizona free.

*Turtle group* means any amount (multiple or single units) consisting of less than 40,000 turtles or turtle eggs.

*Turtle lot* means a total unit of 40,000 turtles or turtle eggs.

#### **§12302. General Provisions**

A. State employed veterinarians shall inspect the washing, incubation and hatching of all turtle operations at least four times a year. During inspections, they will also randomly select eggs for laboratory submission and analysis. The inspections shall be made to insure the following:

1. The Siebeling Method of egg collection and sanitization is being conducted properly and is in accordance with the following procedures, to wit:

a. The Siebeling Egg Treatment Method consists of two major components: (1) egg sanitization and (2) either treatment by the Pressure-Differential Procedure or a treatment by the Temperature-Differential Procedure.

i. Methods of Egg Sanitization:

In order for the gentamicin to work effectively, the egg shell surface must be thoroughly cleaned. All dirt must be removed and the eggs shall be sanitized by placing them in either an egg washing machine or by following the prescribed immersion procedure. The immersion procedure shall require: immersion of eggs in a warm Clorox solution. Both procedures shall require washing eggs with warm water spray on the top, bottom, and sides of the egg tray. Also, a minimum of two teaspoons of Clorox for each gallon of water shall be added and water shall be a minimum of 90° F. The immersed egg shall remain in the Clorox solution for five to ten minutes and then be removed. The Clorox solution shall not be reused and must be discarded.

ii. Treatment by Pressure-Differential Procedure:

Eggs must be washed as required in (i) above thoroughly using either an egg washing machine or washed in a warm Clorox solution prior to the initiation of this procedure. The treatment by pressure differential procedure shall consist of:

(a) add garasol dip solution to dip tank,

(b) close cover and pull vacuum to 10-25 inches of Mercury and vacuum for at least five minutes,

(c) release vacuum slowly over a period of 45 to 60 seconds,

(d) let eggs soak 10 minutes under ambient conditions before removing them from garasol dip solution.

(e) remove eggs and proceed with hatching procedures.

iii. Treatment by Temperature-Differential Procedure:

Eggs must be washed thoroughly as required in (i) above using either an egg washing machine or washed in warm Clorox solution prior to the initiation of this procedure. The treatment by temperature differential procedure shall consist of:

(a) the garasol dip solution shall be 35°-45°F,

(b) the eggs must be warmed to a minimum of 90°F in an incubator or other heating device,

(c) the warmed eggs shall be immersed in the garasol dip solution for a minimum of 15 minutes,

(d) remove eggs and proceed with hatching procedures.

iv. Maintenance of Dip Solution:

After the treatment described in (i), (ii) and (iii) above, the garasol solution shall be maintained as follows:

(a) the garasol dip solution shall be filtered daily during the egg laying season through any filter or filtering process which will retain items of one micron or larger,

(b) garasol dip solution shall be stored in glass, plastic or stainless steel containers at 35° to 45°F,

(c) the garasol dip solution can also be frozen,

(d) the ph of the garasol dip solution shall be maintained at between 6.0 and 7.5, and

(e) the garasol dip solution shall be heated to a temperature of 212°F for a minimum of 25 minutes after it has been used to treat 40,000 eggs and the solution shall be filtered as provided in (a) above.

2. All equipment used in the Siebeling Method is clean and working properly.

3. Records of purchase and disposal of garasol shall be maintained by the certified turtle farmers.

4. Proper records on the use of the Siebeling Method must be maintained and shall consist of the following information:

a. turtle group or lot number and date of treatment,

b. number of eggs treated in a lot or group,

c. garasol lot or group number(s) and expiration date(s),

d. concentration of garasol used in lot or group number,

e. last boiling or filtering date of garasol,

f. destination and purpose of shipment,

g. date of laboratory report of turtles tested for Salmonella,

h. person recording data,

i. verification of Louisiana Department of Agriculture inspection.

5. All turtles or eggs leaving the farm must be accompanied by a certificate of inspection. A health certificate stating that the turtles and/or eggs originated from a state certified turtle farm.

6. Certified turtle farmers shall be responsible for maintaining accurate records of turtle lots or groups and all other information required in number four above.

7. Local, practicing, accredited, Louisiana licensed and department approved veterinarians will be the primary source of official health certificates.

8. Water samples from ponds may be taken periodically by department veterinarians and shall be transmitted to a laboratory for pH, bacterial identification and the concentration or presence of antibiotics and pesticides. The laboratory analyses shall be paid by the certified turtle farm.

### **§12303. Penalties**

For failure to implement the "Siebeling Method" of treatment in conducting his business, the offender shall be fined \$250 and shall be further enjoined from operation of such business, and no further sales shall be allowed, until said method is imple-

mented. For a mistake made in the application of the "Siebeling Method," no fine shall be assessed. The farmer's operation shall be enjoined, and no further sales shall be allowed, until an adequate correction of the method of application is made.

Bob Odom  
Commissioner

### **RULE**

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

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on January 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:  
Rule 4.01.50.c

Amend Nonpublic School Standards 6.105.01 and 6.105.17 to provide that the unit requirement for Fine Arts Survey (Art) be changed from one-half to one unit, and that the unit requirement for Fine Arts Survey (Music) be changed from one-half to one unit.

James V. Soileau  
Executive Director

### **RULE**

#### **Department of Elections and Registration**

The Department of Elections and Registration adopted rules establishing criteria to be used in the determination of polling place accessibility for the elderly and handicapped as required by the Federal Voting and Access for the Elderly and Handicapped Act, Public Law 98-435 as follows:

##### **§1. Purpose**

The purpose is to establish minimum guidelines to be used in determining whether facilities used as polling places in all elections are accessible to handicapped and elderly voters pursuant to the federal "Voting Accessibility for the Elderly and Handicapped Act," Public Law 98-435.

##### **§2. Definitions**

For the purpose of this rule, the following definitions shall apply:

*Accessible* describes the combination of the various elements of the built environment as prescribed herein which allows parking, entrance to, egress from and use of polling place facilities by handicapped and elderly voters.

*Blend to a Common Level* refers to the meeting of two or more surfaces so that there is no abrupt vertical change in any of the surfaces which could create a tripping hazard or divert the direction of the caster wheels on a wheelchair.

*Circulation Route* means a continuous path of travel from the curb or parking area to the polling place building, into and through the polling place building to the voting area and includes both horizontal and vertical travel.

*Curb* means the inside boundary of the street, driveway or parking lot.

*Elderly* means any person who is 65 years of age or older.

*Exterior Circulation Route* means that part of a circulation route from the curb or parking area to the point of entry to the polling place building.

*Handicapped* means any person who has a temporary or permanent physical disability.

*Interior Circulation Route* means that part of a circulation

route from the point of entry to the polling place building through the polling place building to the voting area.

*Passenger Loading Zone* is a place specially provided outside of the vehicular traffic flow designed for the drop-off or pick-up of passengers from vehicles.

*Handicapped Parking* is a place specially designated by the International Symbol for Accessibility and other markings with dimensions as specified in Appendix B, Illustration C.

*Committee for Voting Accessibility* is a committee appointed by the Commissioner of Elections and Registration composed of a representative of 1) Clerks of Court, 2) Registrars of Voters, 3) physically handicapped person, 4) Attorney General, 5) Secretary of State, 6) State Board of Election Supervisors and 7) Police Jury Association.

**§3. Guidelines for Accessibility**

To be accessible to handicapped and elderly voters a polling place must have at least one circulation route which meets the following criteria:

a) Exterior Circulation Routes

There shall be at least one path of travel that shall have no steps or slope greater than 1:12 from the curb or parking area to an entrance of the polling place building and facilities. This route shall be as direct as site conditions allow.

1) Walks and Sidewalks

A) The minimum clear width of walks and sidewalks shall be 3'-0".

B) Walks and sidewalks shall be of a continuing common surface, not interrupted by abrupt changes in level. Surfaces shall be firm and stable.

C) Walks with gradients steeper than 1:20 shall be considered as ramps and conform to the requirements of Section 3(d) herein. Ramps on walks shall not be steeper than 1:12.

D) Walks with sustained gradients of no greater than 1:20 shall have level areas of at least 5'-0" in length at approximately 100'-0" intervals for the purpose of rest.

E) No rigid or hard object shall project into the space above a walk lower than 7'6" measured from the surface.

F) Wherever walks and sidewalks intersect with other walks and sidewalks, parking lots, driveways, or streets, the surfaces shall blend to a common level to allow smooth passage of wheelchairs. (See Appendix A: Illustration A).

2) Parking

A) If parking areas are provided as part of the premises used as a polling place by voters, they shall have parking spaces specifically for the handicapped and an accessible path of travel to the polling place building. If general parking is not provided, every effort shall be made to set aside/reserve a temporary parking area for handicapped persons. If passenger loading zones are provided, they shall be accessible to the handicapped and be close to the aforementioned path of travel.

B) If parking spaces for the handicapped are provided, they shall be marked to indicate that they are reserved for disabled drivers, using the International Symbol for Accessibility and should be of the appropriate dimensions (See Appendix B, Illustration C) to allow the safe exit and entry of persons with disabilities from their vehicles. Such markings shall be placed on a pole or wall mounted and may be accompanied by markings painted on the surface.

b) Entrances, Doors and Doorways

1) At least one entrance (exit) to the polling place building and rooms shall be accessible. The accessible entrance to the polling place should be identified and marked using the International Symbol for Accessibility.

2) The floor on the inside and outside of each doorway shall preferably be level, but may slope no more than 1:50.

3) Entrances shall have a minimum clear width of 2'-8".

This dimension shall be measured from the face of the door to the face of the door stop. Where double doors are used, at least one leaf shall allow a 2'-8" clear opening. (See Appendix B, Illustration A)

4) The minimum space between two hinged doors in a series shall be the width of the door swinging into the space plus 4'-0". Door swings of doors in series shall open in the same direction. Single doors hung in series shall be hinged at the same side.

5) At vestibules where doors are at right angles to each other, the dimension between the wall with the inswinging door and the facing wall shall be 6'-6" minimum. The minimum dimension in the other direction shall be 5'-0".

6) If the above specification cannot be satisfied, then one of the two doors shall be securely fastened in an open position during the hours when the polling place is open. (See Appendix B, Illustration B)

7) The maximum height of thresholds at exterior and interior doors shall be 1/2". Where there are differences in floor level between rooms or spaces, the threshold shall be sloped at no more than 1:20.

8) Doors should be operable without movements requiring a tight grasp, complex hand movements, or the exertion of great force.

c) Interior Circulation Routes

1) There shall be an accessible and convenient path of travel from an accessible entrance to the voting area.

2) The voting area in the polling place building shall be served from an accessible entrance by at least one path of travel that does not have stairs or escalators.

3) The minimum clear width of halls, corridors, passageways and aisles shall be 3'-0".

4) No rigid or hard objects shall project into the space above a path of travel unless the dimension from the bottom edge of the object to the walk surface is at least 7'-6".

d) Ramps

1) If possible, alternative design solutions to ramps should be provided because of the substantial energy demands required to negotiate them by those in wheelchairs, plus the difficulties encountered by amputees and others with gait problems on ascent and descent. Ramps shall allow unrestricted traffic flow, and be free of hazards. All ramps constructed or temporarily installed in a polling place building shall meet the requirements of this standard.

2) Any part of a circulation path shall be considered a ramp if it has a slope that is greater than 1:20. The following table gives allowable slopes and maximum lengths.

Allowable Slope	Maximum Rise in a Single Ramp	Maximum Length of a Single Ramp Segment
1:12	2'-6"	30'-0"
1:16	2'-6"	40'-0"
1:20	2'-6"	50'-0"

3) All ramps in a rampway shall have identical slopes. Ramps of 1:8 may be used where existing physical constraints prevent the construction of more gradually sloped ramps.

4) All ramps with a rise greater than 9" shall have handrails on both sides. Handrails shall be continuous along the ramp segment.

5) Ramps shall have a minimum clear width of 3'-0".

6) Ramps shall level platforms at the bottom and the top of each run, at least 5'-0" long and be at least as wide as the ramp. Intermediate platforms shall be 5'-0" minimum between each ramp

segment. See above Table for the maximum allowable lengths of ramp segments.

7) Intermediate turning platforms shall be a minimum of 5'-0" in length and 7'-0" wide to allow wheelchair maneuvering through 180 degrees, and at least 5'-0" long in both directions for turns of 90 degrees.

8) If doors open out onto the ramp platform, a level area at least 5'-0" deep and 5'-0" wide shall be provided.

9) The ramp surface shall be slip resistant.

10) No objection shall be hung from above or the sides that projects into a rampway lower than 7'-6" from the surface of the ramp or landing. Below this height, no object shall project into a rampway other than the handrails.

e) Elevators

If elevators are necessary to access the voting area, the elevators shall be on an accessible route and shall comply with the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A117.1 1980.

#### **§4. Determination of Accessibility**

a) The parish governing authority shall survey every polling place facility to be used throughout the jurisdiction to determine whether such facilities are in compliance with the criteria set forth herein.

b) The survey shall be completed using the form prescribed by the Department of Elections and Registration (hereinafter referred to as D.E.R.). This completed survey form shall be retained by the parish governing authority for the period the site is used as a polling place. Copies of the survey shall be forwarded to the D.E.R. and shall be made available for public inspection upon request.

c) If an existing polling place fails to satisfy the criteria set forth herein and cannot be temporarily altered in a reasonable manner to satisfy the criteria, it will be deemed inaccessible and shall not be used unless an exemption is granted by the Committee for Voting Accessibility (hereinafter referred to as C.V.A.). In accordance with the provisions herein C.V.A. reserves the right to conduct on-site inspections of polling places.

#### **§5. Exemption Procedures**

a) If all potential polling place facilities have been surveyed and no accessible facility is available and the facilities which are available cannot reasonably be made temporarily accessible, the parish governing authority shall request in writing to the C.V.A. in care of the D.E.R. that the existing polling place be exempt from the criteria set forth herein. A separate request for exemption shall be submitted for each polling place not in compliance. Nothing herein shall require the installation of temporary ramps to the exclusion of continued efforts to achieve compliance.

b) In order to be granted an exemption by the C.V.A., the written request shall:

1) identify the polling place for which the exemption is requested;

2) identify the provisions herein with which the existing site is not in compliance;

3) describe the efforts made to locate a site in compliance with these guidelines;

4) describe what continued efforts will be made to achieve compliance during the period that the exemption is in effect;

5) state the approximate length of time needed to meet the compliance requirements;

6) be accompanied with a copy of the completed survey form; and

7) bear the signature of an official of the parish governing authority.

c) In 1986, a request for an exemption for any currently established polling place shall be filed with the C.V.A. in care of the D.E.R. not later than July 1 of that year.

d) Within 10 working days following the receipt of a request for exemption, the C.V.A. will consider granting a certification of exemption to the parish governing authority for that polling place. Such exemption shall be valid for a period of one year from the date of issuance.

e) If one or more disabled persons contact the D.E.R. concerning a specific exemption, the D.E.R. shall work in cooperation with the parish governing authority and the disabled persons in locating an available accessible facility.

f) 1) If an accessible facility which is otherwise suitable can be leased as a polling place by the parish governing authority at any time during the period that the exemption is in effect, the D.E.R. shall be notified of the existence of this facility and the exemption shall be rescinded upon receipt of a completed survey form.

2) The parish governing authority shall notify the D.E.R. of any change in polling place facilities within 10 days of the establishment of that new polling place.

#### **§6. Emergency Provision**

a) If an accessible polling place becomes unavailable during the period commencing on the date the qualifying period opens and ending on the date of the general election, these rules shall not apply.

b) Any alternate polling place not in compliance with these rules shall be considered temporary and cannot be used in the next ensuing election without an exemption from the C.V.A..

c) Not more than 30 days following the election, the Parish Governing Authority shall notify the C.V.A. in care of the D.E.R. in writing of the polling place change and describe the emergency which caused the alternate polling place to be used.

#### **§7. Responsibilities of the Louisiana Department of Elections and Registration (D.E.R.)**

The Louisiana Department of Elections and Registration shall:

a) prepare a list of all polling places by election jurisdiction for which an exemption was granted. Such list shall contain the location of the polling place, the reason for the inaccessibility and the date the exemption was granted. Such list together with the petition for exemption shall be public record at the office of the D.E.R.;

b) within 10 working days following the receipt of a written notification from the United States Attorney General, or a person who is personally aggrieved, that an election jurisdiction is not in compliance with these rules, transmit a copy of the notification to the parish governing authority. Upon receipt of the notification, the parish governing authority shall respond in writing to the D.E.R. within 10 days. Upon receipt of response the D.E.R. will submit, within 10 working days, the grievance and the response to the C.V.A. for final determination.

c) not later than September 1 of each even-numbered year, verify the list of exemptions with each election authority; and

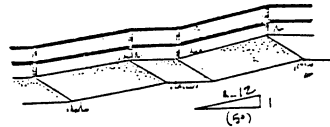
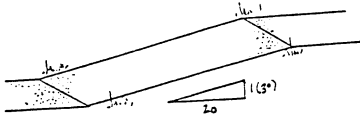
d) not later than December 31 of each even-numbered year, report to the Federal Election Commission, in a manner to be determined by the commission, the number of accessible and inaccessible polling places throughout the state on the date of the preceding general federal election and the reason for any instance of inaccessibility.

Appendix A  
Illustration A

Exterior Circulation Routes  
Blend to a Common Level

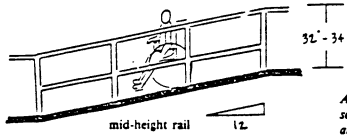
...exterior walkways and ramp information

Maximum slope on a walkway shall be 1:20 (3 degree slope). Any slope greater than 3 degrees shall be considered a ramp and shall conform to all requirements such as maximum slope and railings. (7)



Walkways shall have a continuous common surface not interrupted by steps or abrupt changes in level greater than 1/4"

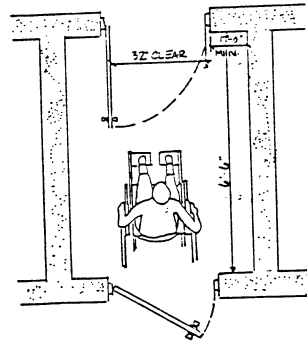
Exterior ramps can be a maximum 1:12 (5 degree slope) and must have a handrail on at least one side. Handrails are preferred on both sides.



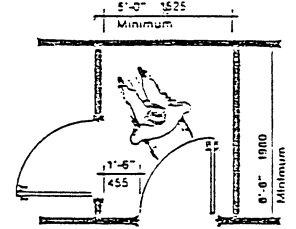
All ramps shall be the same width as the corridor or walkway served. Surface shall be firm and nonslip with handrails on at least one side. Unenclosed ramps shall also have an intermediate rail at mid-height.

Appendix B  
Illustration B

Minimum Requirements for  
Doors Opening in Series  
(1) and Minimum Vestibule  
Dimensions when doors are  
located at right angles  
to each other (2)



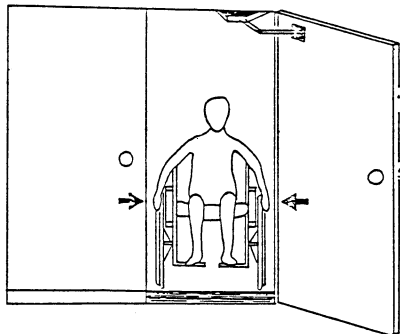
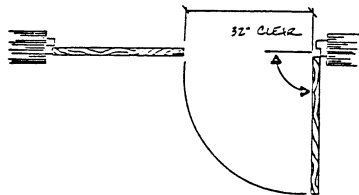
(1)



(2)

Appendix B  
Illustration A

Minimum Clear Door Openings



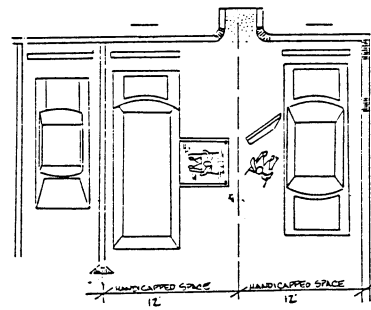
For a Single Door:  
Clear opening must be between door in its 90° open position and the jamb.

Clearing opening for two leaf doors must be between either door in its 90° open position and the end of the other door.

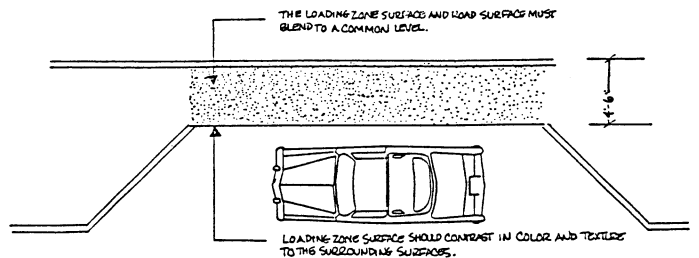
An adult wheelchair averages 27" wide. The required 32" clear door width allows 2 1/2" clearance on each side for hands. An electric wheelchair is wider than standard design wheelchairs and makes a 32" doorway an essential minimum.

Appendix B  
Illustration C

Parking and Passenger  
Loading Zones



The International Symbol of Accessibility



Jerry M. Fowler  
Commissioner

## RULE

### Department of Environmental Quality Office of Air Quality

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and particularly Sections 1061 D(1) and 1084 B(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary adopted the following amendments to the Louisiana Air Quality Regulations.

The amendments to Subpart F - Emission Standards for Asbestos, Part IV of the Louisiana Air Quality Regulations clarify several definitions used in asbestos demolition/renovation reporting, eliminate de minimus reportable quantities on demolition/renovation projects, and initiate an asbestos disposal tracking system.

The deletion of de minimus reportable levels on a demolition/renovation asbestos project places proper emphasis on the fact that even small quantities of asbestos containing material can pose a significant health hazard if handled improperly. The initiation of an asbestos disposal tracking system insures that asbestos generated by demolition/renovation projects that are reported is properly disposed and will aid in notification compliance procedures.

The agency contact responsible for responding to inquiries or requests for copies of the amendments is W. H. Davis, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-1206.

Patricia L. Norton  
Secretary

## RULE

### Office of the Governor Division of Administration

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of R.S. 39:241 and R.S. 44:32 amends LAC 4:I.301, "Uniform Fee Schedule for Copies of Public Records," as published August 20, 1982, in Volume 8, Number 8, Page 411, of the *Louisiana Register*.

LAC Title 4. Administration  
Chapter 3. Fees

#### **§301. Uniform Fee Schedule for Copies of Public Records**

A. Copies of public records furnished to a person so requesting shall be provided at fees according to the following schedule.

B. 1. Charges for the first copy of any public records shall be at a minimum 25 cents per page for microfiche reproductions or paper copies up to  $8\frac{1}{2} \times 14$  inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than  $8\frac{1}{2} \times 14$  inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in Parts II and III above. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies that have an established fee for copying public records that is in excess of those set forth in the rule must justify

that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law nor shall this schedule apply to requests for copies from one state agency to another.

Stephanie L. Alexander  
Commissioner of Administration

## RULE

### Office of the Governor Division of Administration

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Division of Administration amended Chapter 7, Request for New or Substitute Positions - PPM No. 33 to incorporate a new form BA-8, 10/76 and as follows:

#### Title 4

#### Administration

#### Part V. Policy and Procedure Memoranda

#### Chapter 7. Request for New or Substitute Positions - PPM No. 33

#### §701. Purpose

A. It is the purpose and intent of this memorandum to incorporate a revised form, BA-8, 10/76.

B. This revised form, BA-8, 10/76, will be used, without exception, to request authorization for any new position not authorized in the executive budget and also to request authorization for any substitution of previously approved positions on the personnel position control.

#### §703. Instructions

A. In utilizing the revised Form BA-8, 10/76, a request for new positions will be executed as follows:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

B. For substitution of previously approved positions:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

Column 7. Title or Position to be Replaced

Column 8. Organizational Unit (Functional Section or Unit)

C. A separate Form BA-8 must be completed for each and every request submitted for the commissioner's approval and must also indicate whether the position affected is classified (C) or unclassified (U).

D. It must be emphasized that the approval of a classification substitution in no manner changes the numerical position of the control. Approval of a substitution automatically cancels and eliminates the substituted position from the authorized personnel position control in the executive budget and replaces it with the approved change. Under no circumstance will the substituted po-

sition be retained on the adjusted control. Also, the approval of a new position automatically advances the numerical position of the control.

E. The personnel position control block must be completed before approval can be granted. In the column "number" the agency must designate the current personnel control by incumbents and vacancies. This will include all previously authorized changes.

F. If the request for change represents a new position, the total adjusted personnel control will show a numerical increase of one position. If the request represents a substitution of a previously budgeted position, the adjusted personnel control will remain the same. In all cases the control block must be completed.

G. In the second block headed "funds - pro rata - amount", the agency will disclose the source of funds intended to defray the additional salary expense. If the cost is to be borne by a joint state-federal participation, indicate the pro rata cost of each source. If the funds are derived from other sources, e.g., self-generating, etc., explain in detail on the reverse side of the form.

H. This memorandum supersedes Policy and Procedure Memorandum No. 3 and all memoranda and manuals in conflict herewith are superseded.

I. Form BA-8 should be duplicated by your agency as future needs arise. (See form below).

**RULE**

**Office of the Governor  
Division of Administration**

In accordance with the provisions of R.S. 49:950 et seq. (the Administrative Procedure Act), notice is hereby given that the Division of Administration repealed the following:

**Title 4: Administration**

**Part V. Policy and Procedure Memoranda**

**Chapter 11. State Employees Group Insurance Program - PPM Number 40**

The aforementioned policy and procedure memoranda was published in the *Louisiana Register* as follows: Volume 1, Number 2, Page 110, (February 20, 1975). The Division of Administration desires to eliminate unnecessary policy and procedure memoranda and since the provisions of Chapter 11, PPM Number 40 are no longer relevant it is being repealed.

Stephanie L. Alexander  
Commissioner of Administration

**RULE**

**Office of the Governor  
Division of Administration  
Office of Risk Management**

In accordance with R.S. 39:1527, et seq., the Office of Risk Management amended the following:

BA-8 Number \_\_\_\_\_  
Agency \_\_\_\_\_ Date \_\_\_\_\_  
Schedule Number \_\_\_\_\_

Rev. 10/76

**DIVISION OF ADMINISTRATION  
REQUEST FOR NEW OR SUBSTITUTE FULL  
TIME EQUIVALENT POSITION**

C or U	(1) Classification or Title	(2) Organizational Unit or New Position	(3) Date of Occupancy	(4) Monthly Salary	(5) Cost Differential for Remainder of Current Year	U or C	(6) Title of Position to be Replaced	(7) Organizational Unit

Justification: Explain in Detail

**PERSONNEL POSITION CONTROL**

Authorized Personnel - Budgeted	Current Number	Change	Adjusted Personnel Control
Incumbents			
Vacancies			
Total			

CERTIFICATE: I certify that this request, if approved, will (will not) change the Personnel Position Control (authorized number of employees) as stipulated in the Executive Budget; that the position to be filled is not now or will not be filled prior to receipt of approval; that the substitution requested automatically cancels or eliminates the position substituted and in no manner changes the status of the approved Personnel Position control; that this request, if approved, will (will not) impair or exceed the total amount of monies allocated in Salaries (2112) category for Fiscal Year \_\_\_\_\_.

No. positions funded in other charges over authorized T.O. \_\_\_\_\_

IN ALL CASES USE THE "JUSTIFICATION" COLUMN TO EXPLAIN HOW FUNDS WILL BE MADE AVAILABLE FOR THE REQUEST.

Note: A separate form must be executed on each and every individual request for change

Funds	Pro Rata	Amount
State	%	
Federal	%	
Interagency	%	
*Other	%	

\*Explain in detail (reverse side)

\_\_\_\_\_  
(Budget Unit Head)  
\_\_\_\_\_  
(Title)  
Approved: \_\_\_\_\_  
Commissioner of Administration  
Date \_\_\_\_\_

Stephanie L. Alexander  
Commissioner of Administration



**Title 4  
ADMINISTRATION**

**Part V. Policy and Procedure Memoranda**

**Chapter 21. Repair and Replacement of Damaged Property Covered Under the State's Risk Management Program-PPM No. 53**

**§2101. Responsibilities and Rights**

The Office of Risk Management, Division of Administration, has the responsibility to manage all state insurance, Louisiana State University excepted, covering property and liability exposure through commercial underwriters or by self-insuring. Personnel benefits, group health and life coverage are excepted. In discharging this responsibility, the Office of Risk Management has the right of access to all information relating to the state's Self-Insurance and Loss Control Program. This will be accomplished by affording the Office of Risk Management opportunity of inspections of all locations throughout the state.

The Office of Risk Management has most rights normally afforded a commercial insurance company. Among these rights is the opportunity to inspect any damage to insured property prior to repair or disposal. Therefore, the Office of Risk Management must be contacted before any repairs or disposal of insured, damaged material is accomplished. Submit all appropriate information relative to incurred losses to the Office of Risk Management at the following address: Office of Risk Management, Division of Administration, Box 94095, 2714B Wooddale Boulevard, Baton Rouge, LA 70804-9095; Phone (504) 925-4827-4828.

Stephanie L. Alexander  
Commissioner of Administration

**RULE**

**Office of the Governor  
Division of Administration**

Notice is hereby given that the Division of Administration, pursuant to notice of intent published on February 10, 1986, adopts the following rule for the state equipment-lease-purchase program.

**TITLE 34**

**Government Contracts, Procurement  
and Property Control**

**Part XI. Equipment-Lease-Purchase Program**

**Chapter 1. General Provisions**

**§101. Authority**

The Division of Administration is hereby enacting the following rules and regulations in accordance with Act 758 of the 1985 Regular Session (LSA-R.S. 39:1761-1771).

**§103. Definitions**

A. *Applicable purchasing agency* shall mean the Division of Administration except as provided in LSA-R.S. 39:1572.

B. *Equipment lease purchase contract* means the lease purchase contract in the form approved by the State Bond Commission and the Commissioner of Administration between the state and nonprofit lessor.

C. *Exempt agency* means those agencies set out at LSA-R.S. 39:1572 which are not required to procure goods and services through the Division of Administration, Office of State Purchasing.

D. *Lessee* shall mean the State of Louisiana through the Division of Administration.

E. *Nonprofit lessor or lessor* means a public corporation or public trust organized pursuant to state law having for its beneficiary the state.

F. *Non-exempt agency* means those agencies which are

mandated by law to procure their goods and services through the Division of Administration, Office of State Purchasing.

G. *Procurement period* means that period of time as established by the equipment lease purchase contract in which the state may procure selected equipment under the state equipment-lease-purchase program. Any equipment not purchased within this time period will be removed from said program.

H. *Program* means the equipment-lease-purchase program of the State of Louisiana wherein a nonprofit lessor purchases and finances equipment to lease to the state with funds belonging to the nonprofit lessor, and upon the completion of payment of lease amounts the title of the selected equipment shall vest in the state.

I. *Purchase Order* means a written agreement confirming all terms, conditions, delivery date and price acquired by bids received by State Purchasing or exempt agency for item(s) on the selected equipment list.

J. *Purchase Requisition* means a written request to procure equipment in accordance with law, rules and regulations from the selected equipment list by exempt or non-exempt agencies.

K. *Release Order* means a written agreement wherein a using agency purchases an item on the selected equipment list from a state contract conforming with all terms, conditions, delivery date and prices, which shall be issued by exempt or non-exempt agencies.

L. *Selected equipment* means the equipment, as determined by the applicable purchasing agency, and approved by the Division of Administration, which shall be the subject of a lease-purchase contract.

M. *Selected vendor* means a supplier, manufacturer, retailer, wholesaler, dealer, or other source for selected equipment which has been selected by the applicable purchasing agency pursuant to state law.

N. *Trustee bank* means the bank which the nonprofit lessor selects to administer the funds, make payments to selected vendors, accept payment from the state on the equipment-lease-purchase contract and which performs all the necessary and required functions for the administration of this program.

O. *Using agency* means that agency which will receive the selected equipment after it is procured and will be ultimately responsible for the lease payment under the equipment-lease-purchase contract.

**Chapter 3. Procurement of Equipment**

**§301. Appropriation Bills**

A. An agency wishing to participate in the state equipment-lease-purchase program must provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard budget request forms. These forms are to be submitted with the agency's budget request on December 5 each year. The Budget Office will review the request and make a funding recommendation. The Budget Office shall have the sole responsibility of determining which pieces of equipment will be recommended for this program and will notify the agency in the "Notification of Appropriation Letter" if such equipment is recommended for funding through this program.

B. Equipment purchased through this program shall not be included in the agency's appropriation but shall be accounted for separately. Acquisition cost of the equipment shall be reflected in future appropriations as lease purchase payments as set forth in Section 315.

**§303. Capital Outlay Bill**

An agency wishing to participate in the program for Capital Outlay equipment shall provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard Capital Outlay request forms. These

forms are to be submitted with the agency's Capital Outlay request by November 1 of each year. The Commissioner's Office, Office of Facility Planning and Control and the Budget Office shall review the request and recommend funding. The Office of Facility Planning and Control shall notify the using agency of the equipment funded through this program. Acquisition cost of the equipment shall be reflected in future appropriations as lease-purchase payments as set forth in Section 315.

### **§305. Generation of Selected Equipment List**

A. The Division of Administration shall compile a list of the equipment selected for acquisition under this program. This list is to be compiled from the items of equipment recommended by the Budget Office to appear in the agency's appropriation, in either the General Appropriation Bill, Ancillary Appropriation Bill and/or the Capital Outlay Bill. The list with the approximate purchase price shall be submitted to the nonprofit lessor selected to purchase the equipment. Upon approval by the legislature the nonprofit lessor shall take the necessary steps to generate the revenue to procure the equipment contained on said list.

B. The Division of Administration, State Budget Office, shall notify the using agency in writing when funds are available for procurement of equipment under the program when the procurement when the items were from the Appropriation Bill, or the Ancillary Appropriation Bill. For those items which were contained in the Capital Outlay Bill, the Office of Facility and Planning and Control shall notify the using agency of the availability of funds.

### **§307. Substitutions to the Equipment List**

A. The Division of Administration within the procurement period, with the prior written approval of the Joint Legislative Committee on the Budget, may elect to substitute one or more other items of equipment for such selected items on the equipment list, provided the inclusion thereof shall not cause the estimated aggregate purchase price to exceed the original estimated aggregate purchase price, and any substitution made must be for equipment in the same category group.

B. The using agency requesting such a substitution shall make such request in writing to the Division of Administration prior to the termination of the procurement period stating the item, estimated cost, and economic life of the item to be substituted and the item being substituted, and the reason such substitution is being requested. The Division of Administration shall notify the using agency of its decision in writing, in a timely manner.

### **§309. Procurement of the Selected Equipment**

The using agency shall be responsible for procurement of the equipment acquired under the program. Such procurement shall take place only after the using agency is notified in writing by the Division of Administration of funding by the non-profit lessor.

### **§311. Processing Procurement Request**

In procuring equipment for the program, using agencies shall adhere to all laws, executive orders, rules, regulations, policies and procedures governing the purchase of goods and services by the using agency. The procurement of equipment by the using agency shall not be construed to change, affect, increase, or in any fashion relieve the agency of the requirements of any laws, rules, executive orders, regulations, policies or procedures relative to the procurement of goods and services by the respective agency except as follows:

A. Release Order: The using agency shall issue release orders for items on applicable state contracts and comply with all requirements with except as follows:

1. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

2. Invoice To - shall be made out to the Louisiana Public

Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

3. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

4. Distribute photo copies of number 1 white page of release order as follows:

- a. State Accounting Office - Agency Services, and
- b. Office of Risk Management.

B. Purchase Requisition: Using agencies exempt from centralized purchasing through the Office of State Purchasing under R.S. 39:1572 (a) or (b), shall conduct the bidding for applicable equipment under the program. Such bidding shall be in accordance with all laws, executive orders, rules, regulations, policies and procedures, including the requirements contained herein. All non-exempt using agencies must submit to the Office of State Purchasing an applicable purchase requisition which includes complete specifications for the item of equipment which complies with all purchase requisition requirements and procedures with the exception and addition of:

1. Bid proposals must include a requirement that the bidder specify the manufacturer's maintenance requirements and the warranty period offered.

2. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

3. Invoice To - shall be made out to the Louisiana Public Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

4. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

C. Purchase Orders: The Office of State Purchasing, or the Exempt Agency shall only issue purchase orders after bids are opened and evaluated and it has been determined that the lowest responsive and responsible bid is not in excess of the amount approved for procurement of said equipment as reflected on the selected equipment list. In the event all bids are in excess of the estimated cost reflected on the selected equipment list an award shall not be made unless written approval is received from the Division of Administration State Budget Office. If the expenditure of additional funds is not approved, written cancellation of the solicitation shall be processed. Such cancellation notice shall contain the reason for cancellation.

D. Purchase orders use to procure equipment under the program must comply with all purchase order requirements and procedures with the exception and addition of:

1. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

2. Invoice To - shall be made out to the Louisiana Public Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

3. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and

year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

4. Distribute the photo copies of number 1 white page of purchase order as follows:

- a. State Accounting Office - Agency Services
- b. Office of Risk Management.

E. All purchase orders and release orders for procurement of equipment under the program shall be remitted to the Division of Administration, Office of State Budget, except for Capital Outlay items which shall be submitted to the Office of Facility Planning and Control, by the appropriate purchasing unit of the user agency. The Division of Administration, Office of the State Budget, or the Office of Facility Planning and Control when applicable, shall complete Section 1 of the Certificate of Approval and Acceptance, evidencing approval thereof, and attach said certificate to the applicable purchase or release order.

F. The using agency shall complete Section 2 of the Certificate of Approval and Acceptance and remit said certificate to the trustee bank as required in Section 313.

### **§313. Delivery and Acceptance of Equipment**

The using agency shall be responsible for accepting delivery of the equipment from the vendor and inspecting the equipment to determine if the equipment complies with the specifications and is in satisfactory condition. If an acceptance period is involved a certificate of acceptance shall not be transmitted to the trustee bank until such time that a successful acceptance period has been concluded.

B. Upon acceptance, the using agency shall transmit to the trustee bank the following:

1. Original Invoice - The original invoice must always be submitted unless it has been lost. In this case, a copy will be accepted only if it has been signed and dated and "A true certified copy of the original invoice" appears on the face of the invoice.

2. Pink copy of Purchase or Release Order - When submitting a complete payment request (when all items on the purchase order are being paid for at one time), the number 2 pink copy must be attached. When submitting a partial payment request, a photocopy of the number 2 pink copy of the purchase order must be attached to the invoice. Submit the original number 2 pink copy when the final payment is requested.

3. Receiving Report - The receiving report must be completely filled out indicating the item(s) received, quantity of each item, date received, and the authorized receiving agent's signature. When a purchase order is paid in partials, the final payment request must show where all the merchandise has been received, highlighting the item(s) submitted for payment at that time.

4. Equipment List - Submit a copy of the page of the selected equipment list for which the item(s) apply. Highlight on the page the item(s) and amount for which payment is requested.

5. Certificate of Approval and Acceptance - The certificate must adhere to the format as set out in Attachment A to these rules and regulations. Section 1 of the certificate shall be approved by the Division of Administration, Office of the State Budget, or Office of Facility Planning and Control, whichever is applicable, and Section 2 of the certificate shall be completed by a duly authorized official of the using agency prior to being remitted to the trustee bank.

6. Title Document - When applicable, include documents to place legal title of the item or piece of equipment with the Louisiana Public Facility Authority.

C. Payment will not be processed by the trustee bank unless each of the above described documents are remitted with the invoice. All incomplete packages shall be returned to the using agency by the trustee bank.

### **§315. Payment for Selected Equipment**

A. The trustee bank for the nonprofit lessor shall disburse the necessary funds for the purchase of the equipment. Thereafter, the Division of Administration as lessee, shall be responsible for remitting the required lease payments to the trustee bank.

B. The lease payments for items of equipment which were scheduled to be purchased by General Fund Direct will be appropriated directly to the Division of Administration in a special supplemental appropriation.

C. The lease payments for items of equipment which were scheduled to be purchased with federal funds, dedicated funds, or self-generated funds will be appropriated to the respective using agency to be transferred to the Division of Administration for the required payments to the trustee bank.

D. The lease payments for items of equipment which were scheduled to be purchased through the Capital Outlay Bill will be appropriated directly to the special appropriation under the Division of Administration.

E. The trustee bank will provide to the Division of Administration prior to January 1 of each year, a schedule listing the amount of lease payments required for each item of equipment. The Division of Administration shall invoice the using agencies for lease payments funded by means other than the State General Fund - Direct no later than 30 days prior to the actual lease payment. For lease payments funded by the State General Fund - Direct, the Division of Administration shall issue a memo invoice to the respective using agencies.

### **§316. Insurance on Equipment**

A. During the term of the lease purchase contract applicable to the individual pieces of equipment, the using agency shall maintain at its expense property insurance on the equipment for the replacement value of the equipment or the remaining outstanding lease payments owed by the using agency for said equipment, whichever is greater. The policy shall contain a loss payable clause as to make losses payable to the Division of Administration as lessee, the Louisiana Public Facility Authority as owner, or such other nonprofit corporation owner as may be applicable, the letter of credit bank, and the trustee bank, as their respective interest may appear. Using agency shall contact the Division of Administration prior to insuring said equipment to ascertain the names of said beneficiaries and their respective interest.

B. The policy shall also contain any and all additional requirement of the applicable equipment lease-purchase contract, by and between the Division of Administration and the nonprofit lessor. Insurance coverage shall be requested through the Office of Risk Management and such request shall be made no later than 90 days prior to the estimated date of receiving the equipment.

C. The using agency shall furnish the Division of Administration, State Accounting Office, Accounting Services, duplicate certificates of insurance evidencing the required insurance coverage. The Division of Administration, State Accounting Office, Accounting Services shall send the certificate of insurance to the nonprofit lessor and the trustee bank as required by the applicable lease-purchase contract.

### **§318. Maintenance on Equipment**

The using agency shall at all times during the lease, at using agency's expense, maintain, preserve and keep the equipment in good repair and working order in full and complete accordance with the selected vendor's specifications. The using agency shall furnish proof that the equipment is being maintained in such a fashion, upon request, to the Division of Administration.

### **§320. Title to the Selected Equipment**

Title to the selected equipment shall be retained by the nonprofit lessor until such time as the equipment is paid for in ac-

cordance with the equipment lease-purchase contract, at which time title shall be transferred to the using agency.

**§322. State Master Listing of Inventory**

A. The using agency through its bonded property manager shall enter and maintain the equipment on the State Master Listing of Inventory (AM014) with an acquisition code of 6 (loan) and the classification code of 5262550 (L.P.F.A. Equip. - D. of A.) in the Classification Code Column during the term of the lease. The using agency shall use its agency number assigned for Property Control and shall assign the respective tag number, if applicable. The acquisition date shall be the date the using agency receives the equipment. The acquisition cost shall be the actual cost of the equipment when purchased by the trustee bank. The item of property shall be fully and properly described in the Make and Model Columns so as to facilitate identification during each annual inventory of movable property by the using agency.

B. Upon transfer of title of the equipment to the state, at termination of the lease term or at any time an option to purchase is elected, the acquisition code shall be revised to 0, and the Identification Code of 526255 shall be changed to the proper classification code for the piece of equipment in question. All other requirements of entering and maintaining the equipment on the State Master Listing of Inventory shall be as set forth in the State Property Control rules and regulations.

**§324. Taxes**

The purchase of the selected equipment by the nonprofit lessor are exempt from state and local sales tax to the same extent as the state would be if the state was during the actual procurement, all in accordance with R.S. 39:1765 B.

ATTACHMENT "A"

American Bank and Trust Company  
Four United Plaza  
8555 United Plaza Boulevard Suite 302  
Baton Rouge, Louisiana 70809

Attention: J. Michael Brouillette  
Vice President and Trust Officer

RE: Louisiana Public Facilities Authority Revenue Bonds  
(State of Louisiana Equipment Leasing Program) Series 1985

Gentlemen:

SECTION 1. TO BE COMPLETED BY THE DIVISION OF ADMINISTRATION:

This is to advise you as Trustee for the above referenced issue of Bonds that the Equipment described in Purchase/Release Order Number \_\_\_\_\_, attached hereto has been received and accepted by the Applicable Purchasing Agency and approval is hereby given for payment of the Purchase Price of said Equipment.

APPROVAL:

\_\_\_\_\_  
Authorized State Representative Date

Section 2. TO BE COMPLETED BY USING AGENCY:

Also be advised that the using agency certifies the following applicable information:

The equipment is being insured under the State's self insurance program, or if under commercial coverage a copy of the binder is attached.

The equipment shall be located in the Parish of \_\_\_\_\_.

The serial number (if available) is No. \_\_\_\_\_.

The State's inventory control number (if applicable) assigned by the using agency is \_\_\_\_\_.

Also attached are the Title Documents necessary to place legal title in the Louisiana Public Facilities Authority to the Item of Equipment which is to be purchased upon payment to the Vendor of the Purchase Price thereof.

Agency Comments: \_\_\_\_\_

ACCEPTANCE:

\_\_\_\_\_  
Authorized Using Agency Official Date

These rules shall become effective April 20, 1986, and are to remain in force until amended or rescinded.

Stephanie L. Alexander  
Commissioner

**RULE**

**Division of Administration  
Office of Risk Management**

The Division of Administration, Office of Risk Management adopted the following rules pursuant to R.S. 13:5114.

**Title 37. Insurance**

**Part I. Risk Management**

**Chapter 1. Definitions**

**§101. Definitions**

For purposes of this Part of rules and regulations, the following definitions shall apply:

A. *Commissioner* means the commissioner of administration, the chief executive officer of the Division.

B. *Division* means the Division of Administration of the Office of the Governor of Louisiana.

C. *May* denotes the permissive, the having discretion and authority.

D. *Office of Risk Management* means the Office of Risk Management created within the Division by R.S. 39:1528.

E. *Plan offeror* or *offeror* means any insurer or any bank, trust company, investment fund or company, or other financial institution or any other legal person or entity which offers to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and offers to accept an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose. A "plan offeror" is a potential "plan provider."

F. *Plan provider* or *provider* means any insurer or any bank, trust company, financial institution, investment fund or company, or other financial institution or any other legal person or entity which has offered and been accepted and contracted with to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and has accepted an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose.

G. *Recipient* means the ultimate beneficiary of a structured payment plan and/or reversionary medical trust.

H. *Reversionary medical trust*, as used herein, shall mean a trust established by a public entity for the exclusive benefit of an injured person to pay the necessary and reasonable medical expenses of said injured person and shall include, but not be limited to, reasonable amounts for all the diagnosis, cure, mitigation, or treatment of any disease or condition from which the injured person suffers as a result of the injuries, and the sequelae thereof, sustained by said injured person on the date of the accident or happening which caused the injury, where any and all or a portion of the funds remaining in the reversionary medical trust upon its dissolution, caused by the death of the injured party or such other event as may be stated in the trust agreement, shall revert to the public entity which established the trust. The trustee may obtain the services of an administrator to assist in the administration of the trust. All costs, fees, taxes or other amounts shall be paid by the trust. The trust agreement may impose such other reasonable duties, powers, provisions, and dispute resolution clauses as may be deemed appropriate. Nothing herein provided for shall preclude the public entity from devising other supplemental funding mechanisms for the exclusive benefit of the trust established for the benefit of the injured party and any such supplemental funding mechanisms shall not be used to determine the present value of the reversionary medical trust.

I. *Shall* denotes the imperative, the mandatory.

J. *State governmental entity* means the state or any branch, department, office, division, commission, council, board, bureau,

committee, institution, agency, state government corporation, or other establishment or official, officer, or employee thereof. The commissioner, the attorney general and his assistants, and the Office of Risk Management are included in this term. Political subdivisions, as defined in Article 6, Section 44(2), of the Louisiana Constitution, shall not be included within this term, but may acquire structured payment plans, in accordance with R.S. 13:5114(G), at their discretion and with their funds by adopting similar procedures as provided herein for state governmental entities.

K. *Structured settlement firm* means any individual, partnership, corporation, unincorporated association, company, joint stock company, joint venture, or any legal person or entity engaged in the business of rendering structured settlement services whether for the right, opportunity, or hope of acting as a commissioned agent or broker in the purchasing of any insurance annuity and/or other investment to be used in a structured payment plan or not.

L. *Structured payment plan* or *plan* means a method by which the public entity held liable for damages, or the public entity which agrees to compromise a cause of action for damages, is held responsible. The plan may include immediate payments and the funding of an investment, the principal and fruits of which are to be used to pay in future years damages in accordance with the terms of the plan. Such plans may include, but shall not be limited to, cash payments, annuities, trusts, reversionary medical trusts, qualified assets as defined by Section 130 of the United States Internal Revenue Code (26 USC Section 130), or any combination of them.

M. *Structured settlement services* means the furnishing of labor, time, or effort to a party against whom a legal action has been filed or a claim for damages or other monetary value has been made or to the attorney for such party for the purpose of attempting to resolve such action or claim by the use, in whole or in part, of a structured payment plan. Such services may include consultation; negotiation; preparation of information, data, or arguments for negotiation; for hearings or for other decision-making activities on possible structures; the ascertainment of availability of various possible structured payment plans and the costs thereof; the purchase of insurance annuities or other investments, as a commissioned agent or broker or otherwise, to be used in a structured payment plan; and/or the preparation of quotes, reports, and/or other records in connection with these services.

N. *Using agency* means any state governmental entity which has the procedural capacity to be sued in its own name, which has been sued in an action for damages or other monetary value or has been notified that there is an outstanding claim for such damages or value being made against it, and which seeks to compromise such liability by the use, in whole or in part, of a structured payment plan or has been actually cast in a judgment of liability incorporating a structured payment plan.

### Chapter 3. Structured Settlement Services

#### §301. Qualifying Criteria for Acceptable Structured Settlement Firms

A. A structured settlement firm desirous of rendering structured settlement services to a state governmental entity shall first meet the following criteria and possess the following qualifications:

1. It shall have been, for at least three immediately preceding and successive years, successfully engaged in the business of rendering, to private attorneys, to private entities or persons, or to attorneys or entities of local governments or governments of other jurisdictions, the same or substantially similar structured settlement services as defined in this Part.

2. It employs at least one person who has actually been, for a period of three successive years or more, successfully en-

gaged in performing the same or similar structured settlement services as defined in this part and who will personally supervise the rendering of any such services to every state governmental entity receiving them from such firm.

3. It shall be able to make such purchases as agent or broker from at least three plan offerors which meet the qualifying criteria for plan offerors and providers established in these rules and regulations and with none of which it has an ownership, equity, capital, or proprietary relationship or interrelationship whatsoever.

4. It shall furnish good and sufficient recommendatory references as follows:

a. five persons or entities to whom it has actually rendered successful and satisfactory services relating to structured payment plans within the past three years.

b. five financial references whose ownership, equity, capital, or proprietary relationship or interrelationship with or other interest in such structured settlement firm, if any, is fully disclosed to the Office of Risk Management together with or prior to the recommendation(s) made by any such reference.

5. It shall be otherwise qualified to do business in the State of Louisiana generally and shall have promptly paid all taxes due to the State of Louisiana as provided by law.

#### §303. Application, Investigation, Verification, List-Keeping of Qualified Structured Settlement Firms

A. Any structured settlement firm meeting the qualifying criteria set forth therefor in these rules and regulations and desiring to render structured settlement services to a state governmental entity shall first submit an application to the Office of Risk Management on a form to be approved by the commissioner and obtain from the Office of Risk Management a notice of verification of its meeting all qualifying criteria. Such application shall state the bases for and provide all information relevant and material to its meeting all such qualifying criteria.

B. Within a reasonable period, not to exceed 120 days, after receipt of such application, the Office of Risk Management shall investigate applicant's qualifications and have sent applicant notice of either verification of its meeting all qualifying criteria or rejection of the application based on failure to meet all qualifying criteria. Such notice of rejection shall indicate in what particulars the applicant failed to meet the qualifying criteria.

C. The Office of Risk Management shall maintain a list of all structured settlement firms whose applications and qualifying criteria have been verified.

D. For any reason and at any time whatsoever, the Office of Risk Management may inquire, investigate, and/or update an investigation into the continuing qualification of any structured settlement firm and may request of such firm any additional information, data, or references relevant thereto.

#### §305. Grounds for Removal from List

A. A structured settlement firm shall be removed from the list maintained by the Office of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, on the following grounds:

1. It no longer meets all qualifying criteria in fact.

2. It fails, in accordance with Subsection B of this Section to produce sufficient proof to the Office of Risk Management, upon the request thereof, that it continues to meet all qualifying criteria.

3. It violates any of these rules and regulations.

4. It engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. If at any time the Office of Risk Management discovers

that a structured settlement firm which has been already verified as to qualifying criteria and is currently on the list of such firms meeting qualifying criteria has become no longer qualified to render structured settlement services to state governmental entities, then the Office of Risk Management shall issue a notice of such discovery to such firm. If the firm fails to provide to the Office of Risk Management proof of its continuing to meet all qualifying criteria as provided in these rules and regulations within 30 days after such notice is sent, the firm shall be removed from the list and shall not be acceptable as a qualified structured settlement firm.

### **§307. Selection of Structured Settlement Firm for Structured Settlement Services**

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall select, only from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be sent to the Office of Risk Management for information and monitoring.

B. Whenever the attorney general is consulted pursuant to the provisions and requirements of R.S. 13:5114(C) or whenever the attorney for a using agency is one whose professional services were contracted for with the approval of the attorney general or commissioner of administration, as may be provided by statute, then the selection of the structured settlement firm by the attorney representing the interests of the state shall be with the consent of the commissioner of administration or the assistant commissioner of administration designated by her for such purpose.

### **§309. Qualified Plan Offerors and Providers**

A. Only annuities, trusts funded with obligations of the United States of America, and reversionary medical trusts will be used to finance the future payments to be made in all structured payment plans used by any state governmental entity.

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued *Best Insurance Reports*, a rating of "A+" with a classification of "XII" or higher.

C. Trusts funded with obligations of the United States of America shall be established only with financial institutions which have (1) the corporate or other power and authority to administer the trust sought to be established, (2) a trust department, division, or office which is then administering at least \$20,000,000 in trust assets, and (3) at least one trust officer or employee who has been successfully engaged, for a period of five or more years, in administering the kind of large trusts which contain \$1,000,000 or more worth of assets each.

D. Reversionary medical trusts shall be established only with financial institutions which meet the qualifying criteria set forth in Subsection C of this Section for trusts funded with obligations of the United States of America and which also have the ability to establish a system, through consultants or otherwise, to accomplish, at least competently as exists among prudent health and medical insurers, the review, evaluation, and approval or rejection,

as appropriate, of all medical requests submitted by beneficiary for payment.

E. No plan offeror or provider shall have any ownership, equity, capital, or proprietary relationship or interrelationship with any structured settlement firm which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim and which has proposed to contract as an agent or broker with such plan offeror or provider for any annuity, trust, or other investment product or opportunity to finance a structured settlement plan with respect to such legal action or claim.

F. The Office of Risk Management will not maintain a list of qualified offerors or providers. It shall be the duty of the structured settlement firm to exercise due diligence in certifying that only qualified plan offerors and providers are dealt with in accordance with these rules and regulations. The Office of Risk Management shall maintain, however, a list of plan offerors or providers which might otherwise meet the qualifications and criteria of this Section but which have been disqualified under §313 of these rules and regulations. A copy of this list shall be made available to any qualified structured settlement firm upon request and upon payment of the requisite fee. The failure of a structured settlement firm to deal with and accept quotes and/or offers only from qualified plan offerors and providers shall be a violation of these rules and regulations and grounds, under §305 of these rules and regulations, for removal of such firm from the list maintained by the Office of Risk Management of acceptable structured settlement firms.

### **§311. Selection of Plan Providers from Among Plan Offerors**

A. A structured settlement firm which is qualified under §301 of these rules and regulations and which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim being resolved, in whole or in part, by a structured payment plan shall select the plan providers as provided hereinbelow for the implementation of such plan. Such selection shall be made only in accordance with the following conditions and procedures:

1. the structured settlement firm has obtained cost and availability quotes from not less than three qualified plan offerors on each annuity or trust to be used in the plan, unless after diligent search there are not three qualified plan offerors willing to provide the particular trust or annuity sought to be established and then in that case the full details of the search and its results shall be reported to the Office of Risk Management, and the best evaluated annuity and/or trust considering cost, performance, and stability is proposed to be selected; and

2. notice and the details of each such quote, each plan offeror's qualifications, and each proposed selection have been received by the Office of Risk Management; and

3. no objection by the Office of Risk Management has been received by the structured settlement firm within three days, excluding holidays and weekends, after the receipt by the Office of Risk Management of the notice and details of each quote, each plan offeror's qualifications, and each proposed selection; and

4. either (a) the plan has received the approval of the Joint Legislative Committee on the Budget and the notification thereof has been made upon the Office of Risk Management or (b) a legislative enactment making a specific appropriation to fund the particular structure payment plan makes such funding executory without the need for further approval from the Joint legislative Committee on the Budget; and

5. properly appropriated funds for payment of the judgment or the structured payment plan are made available therefor.

B. Only the qualified plan offeror(s) offering and quoting the best evaluated annuity, trust and/or other investment product

or opportunity which is available and which meets all the requirements, conditions, and specifications of the structured payment plan shall be selected as the plan provider(s). The details of the proposed selection shall include, as a minimum, an evaluation of each offering and quote considering the cost, performance, and stability thereof and the reasons that the offering(s) and quote(s) proposed to be selected will best serve the state's interests.

C. In addition to a sworn statement that there is no ownership, equity, capital, or proprietary relationship, no interrelationship whatsoever between the structured settlement firm and each offeror, the details of each offeror's qualifications shall also include, as a minimum, the following:

1. with respect to each offeror which is an insurer offering an annuity, the date of the most recently published *Best Insurance Report* and the page(s) therein on which such insurer's rating and classification are reported.

2. with respect to each offeror which is a financial institution offering a trust funded with obligations of the United States of America,

a. a description of the overall organization, charter, purposes, and fields of business and financial endeavors of the financial institution and of the trust department, division, or office which will actually administer the trust and the value of trust assets being administered by such department, division, or office. If the most recently issued financial statement of such financial institution contains and fairly represents this information, then a copy of such financial statement shall suffice for such information;

b. the full names of the executive personnel of the trust department, division, or office which will actually administer the trust and synopses of their respective educational backgrounds and professional experience;

c. a summary of the experience of that financial institution and of its principal trust officers and employees in administering trusts which are similar to the one sought to be established for the structured payment plan, including all relevant information and data concerning such performance indicators as the yields on trust investment, the payouts to beneficiaries, and the planned, anticipated and the unplanned, unanticipated depletion or growth of trust corpus as a result of unwise or wise management and/or imprudent or prudent investment and also including, as a means for verification, the names and addresses of the makers (especially makers which are federal, state, or local public entities) and the beneficiaries of such trusts (unless such names and addresses are confidential or privileged under law or by prior agreement between the financial institution and the parties to such trusts);

3. with respect to each offeror which is a financial institution offering a reversionary medical trust,

a. the same information, descriptions, and summaries as are required in Paragraph (2) of this Subsection for financial institutions offering a trust funded with obligations of the United States of America but made applicable to reversionary medical trusts;

b. the particulars on the system whereby beneficiary medical requests will be reviewed, evaluated, and approved or rejected, as appropriate, including the names and addresses of the persons and/or consultants who will actually perform these functions, a history of their respective educational backgrounds and professional experience, a history of their past performance of these functions (including, but not limited to, all relevant information and data concerning such performance indicators as the efficiency and effectiveness of beneficiary medical request monitoring and review, the promptness with which beneficiary medical requests are acted on and, if approved, are paid, circumstances wherein additional injections of funds into the trust corpus after the inception of the trust, if provided for in the trust agreement, become necessary, and the final outcome or resolutions of situations where

there are refusals to pay or rejections of beneficiary medical requests), and an evaluation of their past performance of these functions.

D. Properly appropriated funds for payment of the judgment or the structured payment plan refer to funds available for such purpose under the constitution or law and includes funds appropriated by any specific appropriation of the legislature to pay a judgment, compromise, or structured payment plan; funds from the final judgment fund when the amount of payment to satisfy the judgment meets the conditions and criteria of such fund; and/or any pool of funds appropriated by the legislature to finance structured payment plans.

### **§313. Disqualification of Plan Offerors and Providers**

A. Notwithstanding the fact that an insurer meets the qualifications and criteria of Subsection B of §309 of these rules and regulations and/or that a financial institution meets the qualifications and criteria of Subsection C and/or Subsection D of §309 of these rules and regulations, any plan offeror or provider, including such insurer and/or such financial institution, may be disqualified by the Office of Risk Management from thenceforth making offers to provide and/or providing any annuities, trusts, or other investment products or opportunities to finance, in whole or in part, any structured settlement plans for any state governmental entities, upon any of the following grounds:

1. it violates any of these rules and regulations;

2. it engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, policies, contracts, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. The Office of Risk Management shall maintain a list of plan offerors and providers which have been disqualified under this Section. Such list shall be open to the public for inspection during regular office hours.

## **Chapter 5. Insurance Policies, Trust Contracts, and Other Evidence of Obligations Implementing Structured Payment Plans**

### **§501. Depository for Annuities**

The State Treasurer's office shall be used as the depository for all annuity policies, trust policies, trust contracts, and other evidence of obligations used to implement structured payment plans and purchased pursuant to the rules and regulations set forth herein and the structured judgment or compromise documents. These documents shall be retained until final satisfaction of such judgment or compromise.

## **Chapter 7. Administrative Procedures**

### **§701. Dissatisfaction with Structured Settlement Firms and/or Plan Providers**

Any state governmental entity or any attorney therefor dissatisfied with the performance of any structured settlement firm or with any plan offeror or provider or any recipient dissatisfied with the performance of any plan provider in any plan in which he is the recipient may report the grounds for such dissatisfaction in writing to the Office of Risk Management which may take any action authorized by law or by these rules and regulations to attempt to rectify the situation. Such reports shall be retained by the Office of Risk Management for additional use as support for any needed future changes in these rules and regulations.

### **§703. Appeals from Decisional Acts of the Office of Risk Management**

A. Appeals to the commissioner from the Office of Risk Management may be taken in accordance with the procedures and delays set forth in this Section:

1. by a structured settlement firm  
a. regarding its removal from the list maintained by the Office of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, or

b. regarding the refusal or failure of the Office of Risk Management to place such firm on such list, after such firm has properly submitted a completed application therefor and either the delay for notification has elapsed or such firm has received a notification of rejection.

2. by a plan offeror or provider regarding its disqualification under §313 of these rules and regulations.

B. All appeals provided for in this Section shall be taken within 14 days, exclusive of holidays and weekends, after the action complained of. The commissioner may extend this period for good cause shown, if a request for extension is made in writing to the commissioner within this initial 14 day period.

C. All appeals provided for in this Section shall be taken by the appellant's filing a written document of appeal with the commissioner. Such document shall include as exhibits copies of all relevant letters, applications, notices, and other writings and shall contain, as a minimum, the full name and address of the appellant, its chief executive officer, and, if it is being represented by legal counsel, the full name(s) and address(es) of its legal counsel, a simple statement of the action of the Office of Risk Management being appealed from, the date on which such action occurred, and a concise presentation of the grounds for the appeal and the reasons for appellant's contention that the action being appealed from should be modified or reversed. The commissioner shall allow the Office of Risk Management to respond in writing to each appeal. A copy of the appeal shall be served on the Office of Risk Management, and a copy of a response by the Office of Risk Management shall be served on the appellant or its legal counsel of record in the appeal. The commissioner may then decide the appeal summarily on the basis of the documents and writings presented, may require additional evidence and/or argument or may hold formal or informal hearings, as the commissioner deems necessary for a just decision.

#### **§705. Appeals from the Commissioner**

Appeals from the commissioner shall be made to the Nineteenth Judicial District Court, Parish of East Baton Rouge, in accordance with the provisions of R.S. 49:950 et seq.

Darrell Hunt  
Executive Assistant Commissioner

### **RULE**

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

Amend Rule LAC 46:LIII.301

#### **§301. Examination**

A. The Board Licensure Examination shall contain questions to ascertain the competency of the applicant to practice Pharmacy in the state. The examination may consist of questions in Pharmacology, Chemistry, Calculations, Pharmacy, Jurisprudence, Practical Pharmacy, and any other subjects and/or tests as the board may deem necessary.

B. The minimum passing grade shall be 75.

Howard B. Bolton  
Executive Director

### **RULE**

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

Adopt Rule LAC 46:LIII.2901-2965

## **Chapter 29. Adjudication Procedures**

### **§2901. Jurisdiction**

#### **A. Person**

1. The Louisiana Board of Pharmacy has authority over "the person" licensed or registered pharmacist practitioner or pharmacy permittee authorized to operate a pharmacy in the state of registrant.

2. A person is an individual, partnership, corporation or association licensee, registrant or permittee authorized to practice pharmacy or operate a pharmacy in the state under the Louisiana Board of Pharmacy.

3. Jurisdiction over the person is designed to protect the public welfare and safety regarding the competence, qualification, and fitness to practice pharmacy or operate pharmacies.

#### **B. Subject Matter**

The Board of Pharmacy has jurisdiction over "the subject matter" concerning the dispensing, selling, bequeathing, or diverting of drugs safely as not to endanger the public by unqualified person in non-compliance with the board, state or federal statutes, regulations or policy.

#### **C. Board Authority**

Rules adopted pursuant to the Louisiana Pharmacy Law, R.S. 37:1178(1) (rule making authority), the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. (practice authority) regarding pharmacy related disciplinary due process hearings.

### **§2903. Venue**

A proceeding shall commence in the parish at a regularly called board meeting.

### **§2905. Summons**

#### **A. Notice**

The board initiates a hearing by issuing a summons. The summons notice shall be forwarded to the respondent commanding his presence to appear before the board, setting forth the following.

#### **B. Scope**

1. The notice shall include: respondent's name and address;
2. the notice shall state: the designated time, date and place;
3. the notice recites: the allegations establishing a cause of action and nature of hearing;
4. the notice shall make references to particular board, state or federal sections of statutes, rules, policy or ethical code involved in alleged violations;
5. notice shall cite legal and jurisdictional authority for alleged violation;
6. notice shall include supporting document and report.

#### **C. Service, Method and Time**

Service of summons may be made by registered, certified mail with a return receipt requested or board or court designated process servers and confected by tendering the summons to the respondent personally or domiciliary 15 days prior to the date of the hearing to the last know board address.

#### **D. Default Proceeding Absence**

The board may proceed with a hearing in the absence of a respondent after due service or a delinquent effort has been made to perfect service on the licensee and/or permittee's last known address.

### **§2907. Subpoenas**

A. The board is empowered by statute to issue subpoenas upon written request by respondent or special counsel.

B. Subpoena or Subpoena Duces Tecum shall be served domiciliary or personally, on a person or a business, by registered, certified mail, return receipt requested, or by a board or court designated process server prior to hearings.



### C. Subpoena-Witnesses

The board may issue subpoenas for the compulsory attendance of witnesses at a hearing to appear on behalf of the board special counsel, respondent licensee or permittee upon satisfaction of cost. Subpoena request shall be reasonable in terms of relating to the pending matter under consideration and witnesses may be compensated for attendance by verified reasonable cost.

### D. Subpoena Duces Tecum

A Subpoena Duces Tecum may be ordered by the board to produce at the hearing any books, papers, documentation or any other tangible things in his possession or control on behalf of special counsel or respondent upon written request and satisfaction of cost.

### E. Subpoena Return

The Board may petition a court of competent Jurisdiction for a contempt rule to show cause for non response when there is a failure to comply with a subpoena.

### §2909. Answer

An answer to the complaint may be filed in response to a summons notice and shall be verified by the respondent and state in concise terms the defenses to each allegation either admitted or denied.

### §2911. Rights to Counsel

The respondent licensee or permittee in every instance shall be permitted to have the assistance of an attorney in responding to the board complaints and appearances before all board hearings.

### §2913. Discovery-Inspection

The special prosecuting counsel or respondent may, no later than five days prior to the hearing, pursue discovery within the scope of a summons by deposition, interrogation or inspection upon written motion which is admissible in informal/formal proceedings.

### §2915. Scientific Test Report

Official notice may be taken of generally recognized technical or scientific facts, tests and reports during an informal or formal proceedings.

### §2917. Joinder/Incorporation

Several board complaints may be joined or incorporated. The board may join a respondent licensee or permittee in the same or similar complaints based on the same or similar acts or transactions or connected in a common plan or scheme.

### §2919. Consolidation

Respondent licensee and permittee hearings shall be held jointly to assure a fair due process hearing. All alleged violations may be consolidated for administrative hearing.

### §2921. Severance

A severance of complaints is permitted when a fair due process hearing will not be satisfied, otherwise, respondent hearings regarding complaints may be held jointly.

### §2923. Motions

#### A. Pre/Post Hearing Motions

Are requested to the board or presiding officer for particular relief or action before or after a hearing and shall be in writing, and allege specifically the grounds upon which the relief is based, and verified by affidavit of respondent and filed with the board five days pre-hearing or within ten days post-hearing.

#### B. Hearing Motions

1. Oral or written motions may be advanced to the presiding hearing officer during a hearing at an appropriate time.
2. Hearing motions are directed to the administrative presiding hearing officer and disposed of appropriately.
3. Alternatively the presiding hearing officer may refer the pending motion to the board during a hearing for disposition.

### §2925. Continuance Motion

#### A. Scheduled Hearing - Postponement Motions

The board may grant a continuance based upon critical extenuating circumstances that would obliterate a fair and expeditious due process hearing. *Continuance Motions* shall be filed five days prior to the hearing in writing with specific grounds.

### §2927. Recusation

#### A. Recusation

A board member or special counsel may be recused on his own motion because he would be unable to contribute to a fair and impartial hearing or may be recused by the presiding administrative hearing officer based on:

#### B. Grounds

1. prejudicial or personal interest in the case that impairs him from participating in a formal hearing;
2. employed by respondent licensee or permittee.

C. The board may recuse the presiding administrative hearing officer on his own motion or he may be disqualified based upon his own inability to conduct an impartial hearing by the filing of an affidavit of specific grounds five days prior to the hearing.

### §2929. Witness Sequestration

Upon request by either respondent or special counsel, witnesses shall be sequestered and not allowed in the hearing chambers or permitted to discuss their testimony with other witnesses.

### §2931. Adjudicatory Dispositions

A. The board shall have the authority to impose the following sanctions:

1. revocation of the privilege to practice pharmacy or operate a pharmacy in the state;
2. refusal to renew pharmacy/pharmacist license/permit registration in the state;
3. suspension of the privilege to practice or operate a pharmacy in the state;
4. stipulations or conditions imposed to limit pharmacy practice/pharmacy operations in the state;
5. censure;
6. reprimand; and
7. no action.

B. Sanctions Guidelines - The sanctions assessed by the board shall be based on the following:

1. nature of violation and its seriousness;
2. degree of culpability; knowledge/intent or reason to know;
3. scope of circumstances;
4. history of prior offenses;
5. prior sanctions;
6. willingness to obey the laws and regulations;
7. sufficiency to remedy the problem.

### §2933. Administrative Investigation

State Board of Pharmacy inspectors shall initiate and conduct a complete investigation and submit their report directed to the designated board office for review.

#### A. The report shall include:

1. The respondent, licensee and/or permittee's name and address; and
2. A concise statement of facts and circumstances indicating the basis of the routine or specific complaint or cause of action;
3. Support documents.

### §2935. Hearing Procedure Process

#### A. Disciplinary Action

A disciplinary action may be initiated by the receipt of a complaint and/or an administrative investigation conducted by board inspectors. The board will take immediate action upon receipt of complaint or investigatory report.

## B. Initial Report - Grounds

The initial report shall be received by the board's executive director and forwarded to the board's Violations Committee or board's special counsel to determine sufficient grounds for proceeding informally or formally pertaining to pharmacist license or pharmacy permit.

## C. Due Process

Administrative disciplinary hearing proceedings are conducted to best serve the interest of justice.

## D. Purpose

The Board of Pharmacy or designee has responsibility to conduct a fair constitutional due process informal or formal hearing and render a decision based on the evidence received during the proceedings. The purpose of the administrative hearing is for the board or designee to determine contested issues of law and fact.

## §2937. Violation Committee Inquiry

### A. Composition

The Violation Committee composed of four board members shall receive complaints and administrative inspectors report then review and evaluate findings and determine the nature and disposition of the alleged violation that may be directed to the:

1. special administrative hearing panel;
2. formal administrative hearing board;
3. special counsel for institution of a formal or informal proceedings;
4. violation committee informal inquiry.

### B. Guidelines

The Violation Committee shall receive and review the administrative inspectors report based on the following and determine the disposition of the pending matters:

1. seriousness of the alleged offense;
2. extent of alleged violations;
3. history of prior violations;
4. prior sanctions;
5. willingness to obey the law and regulations;
6. consider sanctions as a deterrent to violations;
7. sanctions sufficient to remedy the problem.

### C. Disposition

The Violation Committee may conduct an informal non-adversarial hearing with the respondent receiving adequate prior notice of the inquiry regarding the issues to be discussed and receive facts then deliberate as to the basis for a cause of action in an effort to acquaint the practitioner or permittee of a potential violation or alternatively may recommend a course of action or no action by an affirmative majority vote.

1. Notice—Respondent shall receive a copy of the report with a statement pertaining to the nature of the complaint.
2. Authority—A reference of the particular sections of the statute, rules and/or ethical standards to be addressed.
3. Cooperation—A request for the Respondent's cooperation in obtaining a full understanding of the circumstances.
4. Views—Respondent shall be afforded an opportunity to present his relevant views of the situation pertaining to the inquiry.
5. Compliance—The committee shall evaluate their findings of the informal inquiry and shall forward their recommendations of compliance to respondent or recommend other courses of action or determine that the complaint has no basis in fact.
6. Disclosure—Respondent's statement may not be introduced into the record at a subsequent formal hearing.
7. Recusal—Violation Committee members shall not be permitted to participate in subsequent formal administrative board hearings.
8. Transcript—Violation Committee inquiry transcript shall not be available.

## §2939. Special Administrative Hearing

### A. Special Administrative Hearing Committee

The Special Administrative Hearing Committee shall be composed of the president or vice president, Violations Committee Chairman, Reinstatement Committee Chairman, and Impaired Pharmacist Committee Chairman. Advisory members to this committee shall be the executive director and legal counsel to the board. The committee may conduct interim administrative proceedings that require immediate attention at a time and place upon proper notice, between regularly scheduled board sessions and render interlocutory orders to be sequently affirmed by the board based on an affirmative majority vote of the panel.

B. The Special Administrative Hearing Committee may conduct the following proceedings between regularly scheduled board meetings.

### C. Preliminary Hearing

Preliminary Hearing may be held to determine the need and gravity for a formal hearing based on substantial questions.

### D. Summary Suspensive Hearing

The Administrative Hearing Committee may suspend a pharmacist/pharmacy license, permit, registration prior to a formal administrative board hearing wherein the committee judgement reflected by an affirmative majority decision that a pharmacist and/or pharmacy practice/operation poses a danger to the respondent and/or the public health, safety and the danger requires emergency action.

1. Notice—Summary proceeding notice shall be served five days before the scheduled hearing to afford the respondent an opportunity to be heard with respect to the summary suspension. The notice shall contain a time, place, nature, and grounds asserted relative to the alleged conduct to warrant summary suspension.

2. Burden of Proof—Special counsel shall have the burden of supporting the contention that the public health, safety or welfare requires emergency action.

3. Evidence—The respondent shall have the right to appear personally and/or represented by counsel to submit affidavits and/or documentary evidence in response to the grounds asserted as the basis for the summary suspension and make oral argument.

4. Decision—The committee shall determine whether to grant or deny the summary suspension by affirmative majority vote based upon a finding that the public health, safety or welfare requires emergency action.

5. Report—Submit the committee findings and interlocutory summary order to the board.

6. Suspensive Duration—The summary suspension of a pharmacist's or pharmacy's license or permit or registration shall be followed by a formal administrative hearing at the next regularly scheduled administrative board session.

### E. Diversionary Hearings

Diversionary proceedings may be conducted in executive session predicated on the nature of the violation or complaint that would warrant alternative disposition or sanction; such as impaired pharmacist.

F. 1. Violation—Probation violation proceedings shall be initiated upon receipt of the administrative inspectors confirmation report indicating that the respondent may be in violation of any terms or conditions of probation.

2. Review—The Special Administrative Hearing Committee shall receive and review the inspectors reports and then determine whether a probation violation proceeding is warranted. Notice shall be afforded the respondent of the allegation forming the basis of the alleged violation status.

3. Notice—The respondent shall be summoned to appear at the time and place not less than five days prior to the hearing to

appear and respond to the alleged probation violation summons before the Special Administrative Hearing Committee.

4. Disposition—The Special Administrative Hearing Committee shall determine the disposition of the pending probation violation matter by affirmative majority vote based on evidence received at the hearing conducted on the finding of fact and conclusion of law, may revoke the probation thus actively suspending pharmacist or pharmacy license/permit registration to practice or operate a pharmacy in the state by interlocutory order or dismiss the pending probation violation complaint and transmit their findings and determination to the board.

#### **§2941. Formal Administrative Hearing**

##### A. Authority

The board shall avail a formal fair constitutional administrative hearing pertaining to proprietary rights or privilege to practice pharmacy or operate a pharmacy conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966 with authority to revoke, refuse to renew, suspend, conditions imposed to limit pharmacy practice or operation censure or reprimand.

##### B. Hearing - Time - Place

Formal board disciplinary public proceedings may be initiated upon proper notice and held at a designated time and place pertaining to the following.

##### C. Nature

Sufficient investigatory seriousness to require a formal hearing directed to special counsel for administrative prosecution.

1. Grounds—Upon the board's belief that there is sufficient grounds to justify further actions.

2. Non-response—Failure to respond to an informal violation committee inquiry hearing.

3. Irresolvable Issue—Informal violations committee hearings failed to resolve all issues and requires further formal action.

4. Irreconcilable Issues—Special Administrative Hearing Committee failed to resolve all issues thus requiring further formal actions, or reaffirmation of interlocutory order or administrative due process formal hearing requirement.

##### D. Formal Hearing Procedures

##### E. Hearing Order

1. Convene Board Hearing—The Administrative Board Hearing convenes when the proceedings are called to order.

##### F. Administrative Judge

The presiding hearing officer or administrative judge may be the board president or vice president or board designee with the responsibility to conduct an orderly and fair proceedings with the authority to:

1. Rule—on motions and procedural questions arising during the hearing such as objections or admissibility of evidence;

2. Subpoena—issue subpoena;

3. Oaths—administer witness oath;

4. Recess—call recess;

5. Decorum—maintain order;

6. Conduct—enforce a standard of conduct to insure a fair and orderly hearing;

7. Remove—remove person from hearing in the event of a disturbance.

##### G. Administrative Hearing Jury

Decision Process - The board comprised of a quorum of membership shall serve as an administrative jury to hear and determine the disposition of the pending matter based on the finding of fact and conclusion of law regarding allegations by receiving evidence and reaching a decision and/or ordering sanctions with an affirmative majority record vote of board members participating in the decision process. Once a formal hearing has been initiated and notice served, board members participating in the deci-

sion process should not communicate with a respondent or attorney concerning any issue of fact or law involved in the formal hearing.

##### H. Administrative Hearing Clerk

Administrative Hearing Clerk shall be the board's executive director and shall maintain administrative hearing records.

##### I. Administrative Prosecutor

Special counsel shall prosecute the pending matter and bear the burden of proof to be presented to the formal hearing board.

##### J. Administrative Reporting

Court stenographer shall record all testimony dictated and evidence received at the hearing.

##### K. Docket

Docket Call - contested matters shall be identified by reference docket number and title in respondent caption. The administrative clerk shall announce the docket and identify the person present or absent in the hearing chambers.

##### L. Prehearing Conference

A respondent or their attorney in a matter pending before the board may be directed by the presiding administrative hearing officer to appear at a prehearing conference to consider the simplification of the issue, admission of facts or stipulation of documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

##### M. Complaint

Complaint shall be read at an open hearing and may be waived by respondent.

##### N. Oath

All testimony shall be given under oath administered by the presiding hearing officer.

##### O. Nola Contendra

Plea may be tendered whereby the respondent shall submit the matter based upon the entire record of the pending issues to the board for disposition.

##### P. Opening Statement

Opening statement by special counsel will be allowed for a brief position statement and outline of evidence he proposes to offer then respondent or his attorney shall be allowed a defense position statement.

##### Q. Evidence

All parties shall be afforded an opportunity to present evidence on all issues of fact and argument on all issue of law and respond followed with cross examination as may be required for a full and true disclosure of the facts. The direct presentation of evidence shall be introduced by special counsel and followed by respondent's in proper person or attorney by direct and/or cross examination and/or rebuttal.

##### R. Objections

Objections to evidentiary offers may be made and ruled upon by the presiding hearing officer and noted for the record.

##### S. Closing Arguments

The closing arguments may be made by respondent in proper person or attorney and then special counsel.

##### T. Decision

The board decision shall be based on finding of fact and conclusion of law, in whole or part.

1. Rights—Constitutional guarantee provides the respondents a right to a due process hearing and decision based on evidence presented at the formal administrative proceeding.

2. Supportive Facts—the board must determine whether the facts in the case supports the charges brought against the respondent regarding violation or attempted violation or conspiracy to violate any state, federal or pharmacy law, rules, regulations, policy and/or ethical code pertaining to the practice or operation of pharmacy.

3. Evidence - Vote—the board's decision shall be based

on the evidence presented at a formal hearing by an affirmative majority vote of the board members participating in the decision process that is recorded and made part of the record and the board's determination of appropriate sanctions.

#### U. Board - Order

The board order shall be rendered at an open hearing and then served personally or domiciliary upon the respondent's last known address by registered/certified mail attempted or delivered within 30 days.

#### V. Order Final

The board's order becomes final 11 days after decision is rendered in open hearing or in the event the matter is taken under advisement 11 days after receipt of notification provided appeal is not filed.

### §2943. Evidence/Rule

#### A. Burden - Degree

The burden of proof rests with the special counsel and the degree of proof shall be clear and convincing in order to support the board decision.

#### B. Purpose

The purpose of the evidence presented during a hearing is to provide sufficient facts for the board to reach a decision.

1. Rule Interpretation—Liberal rule of evidence shall be employed by the board to provide the facts and law necessary for the board to deliberate and decide each case. The board's administrative hearing shall not be bound to restrictive or strict rules of evidence.

2. Admissibility—Admissibility of evidence shall be determined by the presiding hearing officer as provided by law.

3. Privilege Rule—Privilege communication shall be excluded as to evidence, such as attorney or physician and religious disclosure without consent.

4. Evidence Exclusion—Evidence that is irrelevant, immaterial, incomplete, inaccurate, unsubstantiated or repetitious may be excluded by the presiding hearing officer.

5. Exhibits—The presiding hearing officer shall receive or exclude exhibits with proper foundation and identify documentary or physical evidence in the record.

### §2945. Oath or Affirmation

Before testifying, a witness shall be sworn under oath or affirmation by the presiding board officer.

### §2947. Record

#### A. Transcriptions

A complete case record of all formal hearing proceedings shall be transcribed, maintained and available upon written request and cost satisfied. The record of the formal proceeding shall be maintained until the appeal period has been exhausted.

### §2949. Administrative Sanctions Imposed

#### A. Board Order

The board shall determine the findings of fact based on evidence to support the allegation presented at the hearing and the conclusion of relevant law or regulation and advance a decision by majority recorded vote.

#### B. Disposition

Lastly, upon the finding of fact, conclusion of law and decision, appropriate sanction may be imposed in one or more of the following manners:

1. revocation of the privilege to practice or operate a pharmacy in the state;
2. refusal to renew pharmacy/pharmacist license/permit registration in the state;
3. suspension of license, permit or registration to practice pharmacy or operate a pharmacy in the state for a determined term or in a determination period subject to probation and supervision;

4. restrictions or conditions imposed to limit pharmacy practice/pharmacy operations in the state;

5. censure;

6. reprimand;

7. dismissal.

### §2951. Probationary Sanction

#### A. Conditions - General or Specific

In instances where the board determines a suspension to be in the best interest of the public, the profession and the respondent licensee or permittee, the board may in its discretion suspend the imposition of a sanction and place the respondent licensee or permittee on probation with general or special terms and conditions of probation as the board deems appropriate, including the imposition of assessments for the payment of administrative hearing costs.

### §2953. Dismissal of Complaint

#### A. Dismissal

Special counsel or the board in their discretion based upon lack of evidence, may dismiss orally at an open hearing of a pending matter or parts thereof.

### §2955. Contempt

#### A. Subpoena or Board Order Contempt

Failure to comply with a board subpoena or order, duly served, constitutes contempt and the board may petition a court of competent jurisdiction to rule the witness or respondent in court to show cause why he should not be held in contempt of court.

### §2957. Administrative Review

#### A. Reconsideration/Rehearing

An aggrieved respondent may file within ten days a reconsideration motion in proper form requesting a rehearing by the board or the Special Administrative Hearing Committee.

#### B. Grounds

The board or Special Hearing Committee may consider the rehearing motion of the board's decision based on:

1. Contrary—board's decision was clearly contrary to the law;
2. Evidence—newly discovered evidence not available at the time of the hearing which may be sufficient to reverse the board's decision;
3. Issues—issues not previously considered;
4. Public Interest—in the public interest to further consider the issues and the evidence.

### §2959. Judicial Review

#### A. Appeal

An aggrieved respondent licensee or permittee may appeal the board decision to a state court of proper jurisdiction and venue.

1. Time—appeal must be filed within 30 days from board order or rehearing motion denial.
2. Suspensive Appeal—an appeal suspends the board order from which the appeal is taken.

### §2961. Reporting

#### A. Publication

The Pharmacy Board shall publish in the board newsletter the sanctions imposed at all formal administrative hearings that is of public interest and the public's right to know.

### §2963. Enforcement and Compliance

#### A. Injunctive Relief

The board may subscribe to injunctive relief from a court of competent jurisdiction to restrict or enforce board orders.

### §2965. Reinstatement

#### A. Revocation

An application for reinstatement based on revocation of a pharmacist/pharmacy license permit or registration in the state may be filed and heard by the Reinstatement Committee initially, then the board to avail a formal hearing whereby the burden of proof

shifts to the applicant to demonstrate and support with substantial evidence, respondent rehabilitation and the reinstatement of license, permit or registration would not pose a danger to the public.

**B. Suspension**

An applicant for reinstatement based on indefinite suspension to practice or operate a pharmacy in the state shall be heard by the Reinstatement Committee initially and subsequently the board to afford a formal hearing whereby the burden rests with the applicant to exhibit evidence of rehabilitation and absence of danger to the public.

Howard B. Bolton  
Executive Director

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Title XIX Medical Assistance Program.

**SUMMARY**

The Medical Assistance Program amends its therapeutic leave day policy for intensive care facilities for the developmentally disabled (ICF/MR and ICF/H) to clarify the limit on payment of bed reservations for recipients who are hospitalized for acute conditions.

The rule published in the *Louisiana Register*, Volume 11, Number 4, dated April 20, 1985, Pages 349-350 contains a technical error in the last sentence of the eighth paragraph of the rule. This rule corrects the sentence which read "Hospitalization for treatment of an acute condition is limited to 15 days per recipient per calendar year." The new sentence under this rule will read: "Payment for bed reservations in SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to 15 days per recipient, per occurrence."

The policy of the Medical Assistance Program has been and continues to limit payment of bed reservations to 15 days per recipient, per occurrence. This rule will not bring about any change in agency activity.

This rule is authorized under 42 CFR 447.45 and Louisiana's State Plan Agreement with the Health Care Financing Administration.

**RULE**

Payment for bed reservation in a SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to 15 days per recipient, per occurrence.

**REGULATORY EXCEPTION**

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

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

**SUMMARY**

This rule amends the reimbursement methodology for inpatient hospital services published in the *Louisiana Register*, Vol.

10, No. 8, Page 623, dated August 20, 1984. Under this rule, the Medical Assistance Program will limit reimbursement for currently exempt units (neonatal/pediatric intensive care, burn and transplant units) to a per diem limitation for discharges reflecting carve out unit (NICU/PICU/burn/transplant) services.

The Medical Assistance Program currently exempts neonatal/pediatric intensive care unit, burn unit and transplant services from the target rate limitation applicable to inpatient hospital services. Reimbursement of NICU/PICU/transplant services is based on allowable costs (routine and ancillary) in accordance with Medicare principles of reimbursement. Reimbursement of burn unit services is the lesser of costs or a per diem limitation based on routine costs only. All other inpatient hospital services are subject to a cost per discharge limitation.

Effective for cost reporting periods beginning October 1, 1985, reimbursement for these carved out services shall be capped with a per diem limitation based on each hospital's first TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) cost reporting period.

Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other department programs may be maintained. This limit is a modification of the original limit of three times the hospital's target rate published as an emergency rule in the August 20, 1985, *Louisiana Register*, Vol. 11, No. 8, Pages 754-755 and notice of intent in the September 20, 1985, *Louisiana Register*, Vol. 11, No. 9, Page 898 which was withdrawn due to advisement by the Health Care Financing Administration (HCFA) of its intent to disapprove the change. It was agreed with HCFA, the Joint Legislative Subcommittee on Oversight and providers that a modification of the limit would be submitted.

Emergency rulemaking has been invoked to implement this policy effective for cost reporting periods beginning October 1, 1985. The emergency rule implementing this change was published in the *Louisiana Register*, Vol. 12, No. 1, dated January 20, 1986. This rule is authorized under 42 CFR 447.252 and amends LAC 50:III.8503 to add item D. 3. f.

**RULE**

**TITLE 50**

**PART III. Medical Assistance Program**

**Subpart F. Payment for Services**

**§8503. Reimbursement Methodology**

\* \* \* \*

**D. 3.**

\* \* \* \*

f. For cost reporting periods beginning October 1, 1985, reimbursement for carve out unit NICU/PICU/burn/transplant costs noted above shall be limited in accordance with a per diem limitation established for discharges reflecting carve out unit services. The per diem limitation shall be calculated based on costs (routine and ancillary) for such carve out unit discharges derived from each hospital's first cost reporting period under the TEFRA (Tax Equity and Fiscal Responsibility Act) cost per discharge limitation (fiscal years ending September 30, 1983 through August 31, 1984). The base period per diem costs for carve out units shall be trended forward using the target rate percentage for hospital inpatient operating costs established by the Health Care Financing Administration (HCFA). For subsequent fiscal years, the limitation shall be inflated by the applicable target rate percentage. Discharge applicable to these carve out units shall be deleted from the total Medicaid discharges prior to calculation of the target rate limitation. Reimbursement for discharges reflecting carve out unit services shall not exceed the per diem limitation and no incentive payment shall be allowed. The target rate per discharge applicable to all other discharges shall be adjusted to reflect any additional

costs carved out as a result of this requirement. The provisions for exceptions and adjustments under this Section shall also apply to the per diem limitation for carve out unit reimbursement.

\* \* \* \*

#### REGULATORY EXCEPTION

Upon final state approval of this proposed rule, implementation shall be dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this proposal by HCFA will automatically cancel the provisions of this rule and currently policy will remain in effect.

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

#### RULE

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

The Department of Health and Human Resources, Office of Family Security adopts the following rule in the Medical Assistance Program.

#### SUMMARY

The Medical Assistance Program amends the Lock-In Program to:

- (1) Require a recipient to remain on lock-in status when case closure or discontinuance is less than four months.
- (2) Require a recipient to remain on lock-in status when the recipient's case is closed in one eligibility category and subsequently certified eligible in another category.
- (3) Require a recipient to remain on lock-in status if the recipient's case is discontinued and the recipient remains eligible for Medicaid benefits following the first month of ineligibility.
- (4) Prohibit a recipient, determined to be an overuser of prescription drugs, from selecting physicians and pharmacists who overprescribe or oversupply drugs.
- (5) Require the decision as to the appropriateness of lock-in for a particular recipient to rest with the Office of Family Security's, Medical Assistance Program.
- (6) Require the recipient's choice of providers to be subject to the review and approval of the Office of Family Security's, Medical Assistance Program.
- (7) Allow immediate lock-in of a recipient if in the opinion of the Peer and Utilization Review Committee and the Office of Family Security the immediate health and welfare of the recipient is threatened by misutilization or overutilization of program benefits.
- (8) Require review by the Office of Family Security or the Peer and Utilization Review Committee of a recipient's drug profile after the first quarter of certification, when the recipient was on lock-in status at the time of case closure or discontinuance and is re-certified for benefits after the fourth month of closure or discontinuance. If lock-in is approved by the Peer and Utilization Review Committee and the agency, the recipient may be placed in the lock-in program.

This rule incorporates, the agency's lock-in policy which was published in the *Louisiana Register*, Vol. 6, No. 4, dated April 20, 1980, pages 114-115. Prior policy is being repealed and replaced to remove interagency procedures and incorporate the above described amendments. This rule amends LAC 50:I.705.

This rule addresses the findings of the Health Care Financing Administration's (HCFA) State Medicaid Operations Report for fiscal year 85. This rule is authorized by 42 CFR 431.54.

#### §705. Exceptions to Certain Requirements

\* \* \* \*

B. Lock-in of Recipients who Overutilize Medical Services  
Title XIX (Medicaid) recipients, whose records show a pat-

tern of misuse will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such services. The lock-in program is described below.

1. The term "lock-in" refers to the mechanism whereby Title XIX recipients are placed in a system in which they are able to receive physician and pharmacy services from a specified provider of such services. The lock-in mechanism ensures against misutilization of Title XIX benefits by recipients and/or providers and serves as an educational device in instructing recipients in the most efficient method of using Title XIX services to ensure maximum benefit to their health.

2. Any recipient who is currently eligible for Title XIX benefits and who has shown a consistent pattern of misutilization of program benefits may be placed into the lock-in mechanism. Misutilization may take the form of overutilizing program benefits or unwise utilization of program benefits.

3. Placement of a Recipient on Lock-in.

(a) Potential lock-in recipients will be identified through review of various reports generated by the Medicaid Management Information System, by referral from a provider of services, or by referral from other interested parties, (i.e., general public or local OFS offices). Medicaid Management Information System (MMIS) generated Exception Reports will be reviewed by Peer and Utilization Review Committees if cases referred involve suspected misutilization of pharmacy benefits. Office of Family Security Surveillance Utilization Review (SUR's) staff shall review referral cases in which there appears to be misutilizations of medical benefits other than pharmacy services. The decision as to the appropriateness of lock-in for a particular recipient shall rest with the Office of Family Security's Medical Assistance Program.

(b) If, after reviewing Medicaid Management System Reports, in the opinion of the Peer and Utilization Review Committee or the Office of Family Security (SUR's) staff there appears to be a pattern of misutilization of benefits, the appropriate committee or staff shall contact the involved providers of services by letter to inquire as to the necessity for the treatments or medications believed to be misutilized. A copy of the recipient's Medicaid Management System profile will be forwarded with the letter. If, in the opinion of the appropriate staff or committee, the involved provider offers valid justification for treatments and/or medications provided, no further action toward placing the recipient on lock-in status will be taken. If in the opinion of the appropriate committee or staff the involved provider does not offer adequate justification for services provided or if it appears that the recipient is needlessly receiving like services from more than one provider, the recipient's profile shall be reviewed by the appropriate committee or staff approximately 120 days after the date of the initial clarification letter to involved providers, to determine if the pattern of misutilization has continued.

(c) Upon review of the recipient's profile, after approximately 120 days from the date of the initial letter to involved providers, a determination shall be made as to whether the pattern of misutilization has continued. If there continues to be a pattern of misutilization the recipient shall be placed on lock-in. The 120 day review may be waived, if in the opinion of both the Peer Utilization Review Committee and the agency, the immediate health and welfare of the recipient is threatened by misutilization. In such instances, lock-in may be instituted at the time of inquiry letters to providers. The recipient shall be given timely notice of the decision to lock-in. Such notice shall clearly state the agency's intention to allow the recipient to choose one provider in the pharmacy area and one provider in the physician area and that the Medical Assistance Program will not make payments to physician or pharmacy providers other than those chosen by the recipient subject

to agency review and approval. The recipient will also be informed that he will not be receiving his buff-colored medical identification card by mail, but rather must obtain it through the local Office of Family Security. The letter to the recipient will advise the client to contact his local Office of Family Security as soon as possible so that arrangements may be made for him to receive a medical identification card. When the recipient requires a specialist more than one provider of physician services may be chosen. For the purposes of the lock-in program, a state hospital may be listed as a provider of physician services.

(d) Recipients shall be prohibited from choosing physicians and Pharmacists who overprescribe or oversupply drugs. When the agency cannot approve a recipient's choice of provider(s), the lock-in recipient shall be required to make another selection.

(e) The recipient may choose to appeal the lock-in decision. In such instances, the recipient shall be afforded all agency appeal rights.

(f) Recipients shall be required to remain on lock-in status when:

(i) Case closure or discontinuance is less than four months.

(ii) The recipient's case is closed in one eligibility category and subsequently certified eligible in another category.

(iii) The recipient's case is closed or discontinued and the lock-in recipient remains eligible for Medicaid for any period following the first month of ineligibility.

(g) When a recipient, who was in lock-in status at the time of case closure or discontinuance, is recertified for assistance after the fourth month of closure or discontinuance, the Peer Utilization Review Committee or the agency shall review the recipient's drug profile after the first quarter of receiving assistance. If lock-in is approved by the Peer Utilization Review Committee and the agency, the recipient may be placed in the Lock-In Program.

#### 4. Review of Lock-In Status

On at least an annual basis, either the Peer Utilization Review Committee or Office of Family Security SUR's staff shall review the lock-in recipient's medical assistance benefits management profile to determine if progress has been made in alleviating problems the recipient has in misutilizing program benefits. If in the opinion of the appropriate reviewing authority, progress has been made, the committee may choose to recommend the discontinuance of lock-in status. If the Utilization and Review Committee concurs that discontinuance of lock-in is appropriate, written notification shall be forwarded to the recipient. Written notification will indicate the month of eligibility in which a regularly issued buff-colored medical eligibility card will be forwarded to the recipient. The appropriate reviewing authority shall examine the recipient's profile one quarter after lock-in has been discontinued to assure that misutilization or overutilization of program benefits has not resumed. If in the opinion of the appropriate reviewing authority or the Utilization and Review Committee misutilization or overutilization of benefits has resumed, the recipient shall be placed on lock-in status once again and follow-up on the lock-in situation may be required.

Follow-up on cases in which the recipient does not seem to respond to lock-in status by ceasing misutilization of program benefits shall emphasize the importance of proper use of benefits and may include referral to other agencies (i.e., substance abuse clinics). The local office worker shall not have the responsibility to investigate for fraud or possible criminal activity.

#### 5. Exclusions From Lock-In

The lock-in mechanism does not prohibit the recipient from receiving the services of any enrolled provider who offers services other than physician and pharmacy. In the area of physician and

pharmacy services the following categories are specifically excluded from the lock-in mechanism.

(a) No recipient on lock-in status shall be denied the service of a physician or pharmacist on an emergency basis within program regulations. The Medicaid eligibility card states that an enrolled provider will be reimbursed for such services.

(b) In instances in which a recipient is referred by his lock-in physician to another physician provider, reimbursement shall be made to the physician provider to whom the recipient was referred within program regulations.

#### REGULATORY EXCEPTION

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

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

#### RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Support Enforcement Program:

#### RULE

Effective May 1, 1986, the Department of Health and Human Resources, Office of Family Security, will secure medical support information and secure and enforce medical support obligations as mandated by 45 CFR 306.50 and 45 CFR 306.51 and authorized by R.S. 46:236.1B(5) if the individual is a Medicaid applicant or recipient or with the consent of the individual if the individual is not a Medicaid applicant or recipient.

Under 45 CFR 306.51, unless the custodial parent and child(ren) have satisfactory health insurance other than Medicaid, IV-D shall petition the court to include health insurance that is available to the absent parent at reasonable cost in new or modified orders for support. Health insurance is considered reasonable in cost if it is employment related or some other group health insurance. A medical support order shall be obtained whether or not health insurance is actually available to the absent parent at the time the order is entered or modification to coverage is immediately possible.

The IV-D agency will take steps to enforce the medical support order if health insurance is available to the absent parent at reasonable cost but has not been secured at the time the order is issued. The IV-D agency has discretion in determining the steps necessary to ensure that the absent parent obtains the required medical insurance.

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

#### RULE

##### Department of Health and Human Resources Office of Prevention and Recovery from Alcohol and Drug Abuse

Effective April 20, 1986, OPRADA has adopted the following rule on procedures for independent review of the reasons for failing to provide funds to any eligible entity that applies as mandated by federal regulations specified in Section 1916 (c) (5) - Application and Description of Activities of the Title XIX, Part B, Al-

cohol and Drug Abuse and Mental Health Service Block Grant, of the Public Health Services Act, as amended by Public Law 98-509.

A. Any service provider who is adversely affected by the action of the office in denying, or revoking ADAMS Block Grant Funds may, within 30 calendar days after receipt of the notice from the office, appeal the action of the office by filing to the Secretary of DHHR through the DHHR Appeal Section within such 30 day period a written request addressed to the secretary requesting a hearing. The appeal or request for a hearing shall specify in detail the reasons for submission of the appeal and how the service provider is adversely affected by the action of the office.

B. In the event of the appeal, the hearing shall be conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

C. The decision of the Secretary of DHHR will be provided in writing to the appealing party. The written decision for opinion shall constitute final administrative action on the appeal unless contract was originally solicited in accordance with R.S. 39:1503 A (2). In those cases, please refer to Division of Administration, Office of Contractual Review regulations.

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

## RULE

### Department of Labor Office of Employment Security

Under the authority of Act 909 of 1985 and in accordance with the provisions of R.S. 49:950 et seq., the Office of Employment Security has adopted the following regulation:

#### REGULATION 39. TRAINING FOR REFEREES

The following training is provided to new appeals referees and, by this rule, will continue to be required for all new appeals referees in the future.

1. An intensive one-on-one instruction in the methods of discovering and writing issues involved in U. I. appeals hearings in order to assure that each party is provided with sufficient notice of all issues to be covered at the hearing.

2. Personal reading from selected authors on procedures for administrative hearings.

3. Introduction to the use of the Agency's Policy and Precedent manual.

4. Each referee is furnished with a copy of a manual containing precedent decisions of the Courts with reference to most of the issues covered by agency adjudication of unemployment insurance matters. These manuals are updated periodically by the agency legal unit as new decisions are made.

5. Each new referee observes hearings conducted by several experienced appeals referees before having to actually conduct any hearings on his own.

6. Each new referee is monitored carefully in the conduct of hearings for several weeks, performing his work with an experienced appeals referee in the room.

7. Each new appeals referee views training videotapes and work exercises on the subject of De Novo Hearings, Principles of Evidence, Administrative Hearing Procedures and Decision Writing.

8. All decisions of new referees are monitored carefully by a supervising hearing officer for correct application of law and for principles of good writing in the findings of fact and conclusions as well as for concise orders to the agency.

9. Periodic conferences are held for updating of methods and information about unemployment insurance and changes in Administrative Law.

10. As many employees as possible are sent for formal training at the National Judicial College.

George Whitfield  
Administrator

## RULE

### Department of Public Safety and Corrections Corrections Service

The Louisiana Department of Public Safety and Corrections, Corrections Services, amended Department Regulation No. 30-19B as follows.

#### ADULT AND JUVENILE SERVICES

#### ATTORNEY VISITS - ADULT AND JUVENILE INSTITUTIONS

##### 1. PURPOSE

To provide uniform procedures for the approval and conduct of visits by attorneys to inmates and students.

##### 2. RESPONSIBILITY

It is the responsibility of the assistant secretaries for Adult and Juvenile Services and of all wardens and superintendents to implement this regulation and to convey its contents to all offenders, affected employees and attorneys seeking to visit.

##### 3. PROCEDURES

Paralegal assistants or law clerks may be permitted to enter the institution to conduct interviews with clients of their supervising attorney, either with the attorney or by themselves. Such permission is vested solely in the discretion of the warden/superintendent, who may approve or disapprove these requests.

###### A. Approval of Paralegals and/or Law Clerks

1) Prior to a paralegal assistant (hereinafter paralegal) or law clerk being approved to enter the grounds of the institution, the following criteria must be met by the employing attorney. The granting of the approval will be for a period not to exceed one year.

a) The paralegal or law clerk must not be on the visiting list of any inmate confined in a Department of Public Safety and Corrections' institution.

b) The employing or supervising attorney must submit an affidavit (see Form A) to the warden/superintendent of the institution to be visited certifying the following prior to the approval for a paralegal or law clerk to enter the institutional grounds:

1) the name and social security number of the paralegal or law clerk;

2) how long the paralegal or law clerk has been employed by the attorney;

3) which law school the law student is enrolled in, or the type of certification held by the paralegal, and from which college or business school;

4) that the named paralegal or law clerk is not listed as a visitor to any inmate confined in a Department of Public Safety and Corrections' institution; and

5) acknowledging that should the paralegal or law clerk request to become an approved visitor of any inmate confined in a Department of Public Safety and Corrections' institution, and approval is given, that individual will no longer be permitted to enter the institution's grounds in the capacity of paralegal or law clerk.

The submitted information will then be verified, and the attorney notified of the disposition of the request (approved or denied). Thereafter, for a period not to exceed one year from date of approval, as long as the paralegal or law clerk continues in the employ or under the supervision of the same attorney, visits may be approved by phone.

B. Scheduling—Visits by attorneys, their paralegals and law clerks must be scheduled through the institution at least 24 hours in advance. However, prior to paralegals and law clerks being



approved to enter the grounds of the institution Section 3(A) of this regulation must be complied with prior to entry being granted.

C. Time of Visits—Visits by attorneys, paralegals and law clerks must normally take place during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.).

D. Exceptions—The warden or superintendent may approve special visits not in conformity with Paragraphs A, B, and C above when unusual circumstances warrant.

4. LIMITATIONS ON VISITS

A. Number of Offenders—Normally, no more than ten offenders may be seen at any one time, nor more than 20 on any one day. Further limitations may be imposed by the warden or superintendent if valid reasons exist. The department's legal staff must be advised of any such limitations.

B. Number of Attorneys—Normally, no more than two persons (attorneys, paralegals, or law clerks or any combination thereof) may see an offender on any one day. Exceptions may be approved for good cause by the warden or superintendent.

5. GENERAL

A. Offenders may refuse to see any attorney, but such refusal should be placed in writing and signed by the offender.

B. A log shall be maintained of all visits by attorneys, paralegals, and law clerks.

C. Visits may be visually observed, but conversations between offenders and counsel shall not, under any circumstances, be monitored.

D. Attorneys, paralegals, and law clerks are subject to the same procedures regarding searches as are all other visitors.

6. EXCEPTION

Nothing contained in this regulation shall apply to attorneys representing the state, the Department of Public Safety and Corrections, or the institution.

7. CANCELLATION

This regulation supersedes Department Regulation 30-19 B dated 20 November 1985.

FORM A

STATE OF \_\_\_\_\_  
PARISH/COUNTY OF \_\_\_\_\_

REQUEST FOR PARALEGAL/LAW CLERK  
APPROVAL AND AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared \_\_\_(1)\_\_\_, who after being duly sworn did depose and say that:

I am an attorney at law and I am presently representing \_\_\_(2)\_\_\_, an inmate confined by the Louisiana Department of Public Safety and Corrections;

\_\_\_(3)\_\_\_, \_\_\_(4)\_\_\_, is employed by me as a \_\_\_(5)\_\_\_, and has been so employed since \_\_\_(6)\_\_\_ . Further, said employee is presently enrolled at \_\_\_(7)\_\_\_ and/or has received a \_\_\_(8)\_\_\_, certificate as a paralegal from \_\_\_(9)\_\_\_ ,

\_\_\_(10)\_\_\_ is not listed as a visitor to any inmate confined in a Louisiana Department of Public Safety and Corrections' institution.

I hereby acknowledge that should said employee request to become an approved visitor of any inmate confined in a Louisiana Department of Public Safety and Corrections' institution, and approval is given, that employee will no longer be permitted to enter the institutional grounds in the capacity of paralegal or law clerk, and that the approval to enter previously given by the institution will be rescinded; and

Should the employee leave my employ, I will notify the institution involved of this fact.

\_\_\_\_\_  
Attorney

Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY

KEY:

- (1) Name of attorney
- (2) Name of employee
- (3) Name of employee
- (4) Employee's social security number
- (5) Paralegal, law clerk
- (6) Beginning date of employment
- (7) Law school if law clerk
- (8) Type of paralegal certification
- (9) Name of college or business school
- (10) Name of employee

C. Paul Phelps  
Secretary

RULE

Department of Public Safety and Corrections  
Office of Alcoholic Beverage Control

The Louisiana Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, adopted the following rule for the implementation of a plan of staggered renewal of retail permits pursuant to Act 736 of 1985.

1. Definitions

(a) *ABC* means the Office of Alcoholic Beverage Control of the Department of Public Safety and Corrections.

(b) *Renewal* means the filing of an application for the reissuance of an alcoholic beverage permit held during the previous permit period.

(c) *Combined permit* means a single permit for the sale of beverages of high and low alcoholic content.

2. Purposes

This regulation is proposed pursuant to Act 736 of 1985 for the purpose of providing even distribution of the expiration and renewal of alcoholic beverage permits throughout the year.

3. Permit for beverages of low alcoholic content at retail; fees

All retail permits for the sale of beverages of low alcoholic content issued on or after July 1, 1986 shall expire on December 31, 1986. The fee for any such permit issued shall be one-half the annual fee.

4. New permits for beverages of high alcoholic and low content at retail; fees

All new retail permits for the sale of beverages of high and low alcoholic content issued on or after January 1, 1987, shall have an expiration date to be determined by the Office of ABC based on the first letters of the applicant's name according to the following formula:

First Letter of

Applicant's Name	Expiration Date
A&D	July 31
B	Aug. 31
C	Sept. 30
E, F, & G	Oct. 31
H, I & J	Nov. 30
K & L	Dec. 31
M	Jan. 31
N, O, P & Q	Feb. 28
R & T	Mar. 31
S	Apr. 30
U, V, W, X, Y & Z	May 31

and non-alphabetical listings

If the initial permit for the sale of beverages of high alco-

holic content is to be issued for a period of more than six months, then the applicant pays the full permit fee. If the initial permit for the sale of beverages of high alcoholic content is to be issued for six months or less, then the applicant pays only one-half of the permit fee. The fee for the sale of beverages of low alcoholic content remains the same regardless of the period for which it is issued.

5. Renewal permits for the sale of beverages of high and low alcoholic content at retail; fees

The renewal of a permit for the sale of beverages of high and low alcoholic content at retail issued on or after January 1, 1987 shall be for a period of not less than seven months nor more than 17 months, which period shall be determined by the Office of ABC according to the following plan:

First Letter of Applicant's Name	Duration of Permit	Permit Expires
A & D	07	Jul. 31, 1987
B	08	Aug. 31, 1987
C	09	Sept. 30, 1987
E, F, & G	10	Oct. 31, 1987
H, I, & J	11	Nov. 30, 1987
K & L	12	Dec. 31, 1987
M	13	Jan. 31, 1988
N, O, P & Q	14	Feb. 29, 1988
R & T	15	Mar. 31, 1988
S	16	Apr. 30, 1988
U, V, W, X, Y & Z and non-alphabetical listings	17	May 31, 1988

The fee for such a permit shall be determined by a proration of the annual fee as provided by statute over the appropriate number of months as shown on the schedule below:

Fee Rate by Months	Liquor					
	Beer		Class A		Class B	
	Class A	Class B	Inside	Outside	Inside	Outside
7	17.50	11.75	116.75	58.25	58.25	29.25
8	20.00	13.25	133.25	66.75	66.75	33.25
9	22.50	15.00	150.00	75.00	75.00	37.50
10	25.00	16.75	166.75	83.25	83.25	41.75
11	27.50	18.25	183.25	91.75	91.75	45.75
12	30.00	20.00	200.00	100.00	100.00	50.00
13	32.50	21.75	216.75	108.25	108.25	54.25
14	35.00	23.50	233.50	116.50	116.50	58.50
15	27.50	25.00	250.00	125.00	125.00	62.50
16	40.00	26.75	266.75	133.25	133.25	66.75
17	42.50	28.50	283.50	141.50	141.50	71.00

The fee for a light wine permit shall be the same as for a Class A beer permit.

6. Combined Permits; fees

On or after January 1, 1987 applicants for permits for the sale of beverages both high and low alcoholic content shall be issued a single permit which shall authorize the sale of both types of beverages. The fee for a combined permit shall be the sum of the two separate fees.

7. Renewal deadline; penalties

Applications for the renewal of permits for the sale of beverages of high and low alcoholic content issued pursuant to this regulation shall be due in the Office of ABC not later than 30 days prior to the date of expiration.

Any retail dealer in beverages of high alcoholic content, who fails to file a renewal application and pay the fee therefor timely, shall pay, in addition to other penalties provided by Title 26 of Louisiana Revised Statutes, a delinquency penalty of five percent if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues.

Any retail dealer in beverages of low alcoholic content, who

fails to file a renewal application and pay the fee therefor timely, shall pay a delinquency penalty of 25 percent over and above the regular fee.

Any retail dealer whose application for renewal is filed before the expiration date of the permit may continue business until issuance of the new permit if the previous permit has not been suspended or revoked, or the new permit withheld or denied. If the retail dealer fails to make his renewal application before the date of expiration, the dealer's right to do business may be suspended without notice or hearing.

8. Gross sales

The payment of an additional permit fee by retailers based on the amount of their gross liquor sales as provided in R.S. 26:71 shall continue and shall be assessed on the gross sales made during the existence of the preceding permit. In renewals, where the previous permit was issued for less than or more than 12 months under Rule 5, a fee of \$100 for each \$100,000 of gross liquor sales, after the deduction of the exempt portion as shown on the following scale, shall be levied according to R.S. 26:71 3(c).

EXEMPTION ON GROSS RETAIL LIQUOR SALES	
Duration of Permit	Amount of Exemption
7 months	\$ 58,333
8 months	66,667
9 months	75,000
10 months	83,333
11 months	91,667
12 months	100,000
13 months	108,333
14 months	116,667
15 months	125,000
16 months	133,333
17 months	141,667

Michael W. Russell  
Assistant Secretary

## RULE

### Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document, effective July 1, 1986, as follows.

Article 3, Section I (G) (26) added to read as follows:

G. Eligible Expenses

The following shall be considered eligible expenses under Comprehensive Medical Benefits when prescribed by a Physician and Medically Necessary for the Treatment of Covered Person:

\* \* \*

26. Cardiac Rehabilitation Therapy, subject to the following conditions:

a. The covered person must be recovering from a myocardial infarction (heart attack), or a cardiovascular surgery (cardiac bypass).

b. The cardiac rehabilitation therapy must be prescribed by a licensed medical doctor who is receiving regular progress reports concerning the covered person's progress.

c. Cardiac rehabilitation therapy must be conducted at a medical facility under the direct supervision of a licensed medical doctor and proper monitoring equipment and qualified medical personnel must be present during the therapy in order to effectively respond to any emergency situation which may arise.

d. All cardiac rehabilitation therapy (both in-patient and

out-patient) must be completed within six months following the date of the infarction or cardiac surgery.

e. In connection with cardiac rehabilitation therapy, the Program will specifically exclude dietary instruction, educational services, behavior modification literature, memberships in health clubs, exercise equipment, preventive programs and any other items or services specifically excluded from benefits pursuant to the provisions of Article 3, Section VIII.

Article 3, Section VIII, add the following:

\* \* \*

CC. Charges for cardiac rehabilitation therapy conducted more than six months following the date of a myocardial infarction or cardiovascular surgery.

Amend Article 3, Section VIII, (T) as follows:

T. Air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, exercise equipment, and any other items not normally considered medical supplies.

James D. McElveen  
Executive Director

## RULE

### Department of the Treasury Board of Trustees of the State Employees Group Benefits Program

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program amended its rules to raise the lifetime maximum of \$500,000 to \$750,000, effective December 19, 1985.

James D. McElveen  
Executive Director

## RULE

### Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs is amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1985 LCDBG Final Statement now reads as follows:

II.E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

The regulations are to be effective on April 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

## RULE

### Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs is amending the FY 1984 LCDBG Final Statement. The purpose of this amendment is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1984 LCDBG Final Statement now reads as follows.

II.E. DISTRIBUTIONS OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

These regulations are to be effective on April 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, is hereby giving notice of its intention to adopt the amendments detailed below. The Livestock Sanitary Board has scheduled a meeting for Friday, May 2, 1986 at 9:30 a.m. Comments may be forwarded to Dr. W. B. Fairchild, Director, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821. Comments will be accepted through 4:30 p.m. on Thursday, May 1, 1986. All interested persons will be afforded an opportunity to submit views or arguments in writing or at the board meeting.

Amend the definition of authorized buyer in LAC 7:XXI.11701:

*Authorized buyer* means (1) an employee of a USDA approved slaughtering establishment who buys livestock that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; (2) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses; or (3) a permitted livestock dealer.

LAC 7:XXI.11711(A) should be amended to include Paragraph 4:

4. Any person applying for a livestock dealer permit who has been found guilty of violating the regulations of the Livestock Sanitary Board shall have to appear before the Livestock Sanitary

Board prior to the issuance of a livestock dealer permit and the issuance of this permit will be at the discretion of the Livestock Sanitary Board.

LAC 7:XXI.11733(A)(3) should be amended to include Subparagraphs c and d:

c. Cattle from Louisiana farms going to Louisiana shows are exempt from the 30 day negative brucellosis test but must be negative to the brucellosis card test within 60 days prior to admission to fairs and livestock shows. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

d. Individually identified cattle originating in and moving directly from a certified brucellosis free herd. The certificate herd number must be recorded on the health certificate.

Amended LAC 7:XXI.11735(A)(4) as follows:

4. All non-vaccinated heifer calves between four and 12 months of age will be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All non-vaccinated heifer calves and cows born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment and shall be accompanied by form VS 1-27. These non-vaccinated "S" branded animals must be delivered to a slaughter establishment, the premises of a licensed livestock dealer or a Louisiana or United States Department of Agriculture approved quarantined feedlot within 72 hours of purchase.

Amend LAC 7:XXI.11737(A)(3), LAC 7:XXI.11737(A)(4), LAC 7:XXI.11737(A)(5) and LAC 7:XXI.11737(A)(6):

3. In instances where brucellosis reactors are found, the reactor animals must be branded with a three inch hot brand on the left jaw with the letter "B" and a brucellosis reactor tag must be placed in the left ear. The branding of reactors and placement of reactor tags must be accomplished immediately after the animals are found to be brucellosis reactors. All other cattle that have been comingled with the reactor animals for more than 24 hours are considered exposed and must be branded on the left jaw or high on the tail head by a three inch hot iron brand with the letter "S". The reactor and exposed cattle shall be separated from all other cattle immediately and placed in quarantine pens identified as such by conspicuously placed signs. The movement of such cattle shall be restricted to:

a. The reactor cattle must be sold directly to an approved slaughter establishment or at an approved livestock auction market for sale to such slaughtering establishment. These animals must be accompanied by a form VS 1-27.

b. The exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on form VS 1-27.

c. Exceptions to the above restrictions are:

i. Heifers between four and 12 months of age that are brucellosis calfhooed vaccinated.

ii. Steers and spayed heifers.

iii. Heifer calves four months of age and under and bull calves six months of age and under, who is dam tested negative for brucellosis.

4. All female cattle over four months of age born after January 1, 1982 must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All female cattle born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment. These animals must move on a form VS 1-27.

5. Cattle over six months of age originating in brucellosis quarantined areas must originate from qualified herd (known not to be infected), and must pass a negative card test for brucellosis

not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

6. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient must be negative to the brucellosis card test within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate or a certificate of veterinary inspection, or an individual brucellosis test record must be kept for a period of 24 months following the purchase of any brucellosis tested cattle. Exceptions are:

a. steers and spayed heifers;

b. individually identified official brucellosis calfhooed vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;

c. individually identified cattle originating in and moving directly from a certified brucellosis-free herd;

d. test eligible cattle may be moved from a producer's premise to a dealer's premise enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis provided the movement is completed within 72 hours, the identity of the animals to the herd of origin is maintained and contact with other cattle is not permitted.

LAC 7:XXI.11739 should be amended as follows:

**§11739. Governing the Sale and Purchase, Within Louisiana, of all Livestock Not Governed by Other Regulations (Brucellosis Requirements)**

A. It is a violation of this regulation to sell breeding type cattle, 18 months of age and older, not governed by other regulations of the Livestock Sanitary Board, in Louisiana for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. No cattle may be sold from brucellosis quarantined herds except as provided for in LAC 7:XXI.11749.

B. It is a violation of this regulation to purchase cattle, 18 months of age and older in Louisiana, not governed by other regulations of the Livestock Sanitary Board, for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. All female cattle born after January 1, 1982 that are four months of age or older must be official brucellosis vaccinates to be eligible to be sold for purposes other than slaughter or to a quarantined feedlot.

C. Exceptions to the brucellosis testing requirements of this regulation are:

1. cattle originating directly from a certified brucellosis free herd, if accompanied by a signed statement from the consignor, giving his name, address, certified herd number and individual identification of each animal;

2. steers and spayed heifers;

3. individually identified official brucellosis calfhooed vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;

4. any cattle sold to a permitted livestock dealer which will be brucellosis tested at an approved stockyard or USDA approved slaughter establishment within 72 hours of purchase by the dealer.

Adopt Section 11768 in Chapter 117, Part XXI:

**§11768. Admittance of Louisiana Poultry to Fairs, Livestock Shows and Poultry Shows**

All poultry going to Louisiana fairs, livestock shows and poultry shows shall be accompanied by a form VS 9-2, indicating the flock of origin is under the National Poultry Improvement Plan and is free of "Salmonella pullorum" (pullorum) and "Salmonella gallinarum" (typhoid). If the flock of origin is not under the Na-

tional Poultry Improvement Plan, the birds used for breeding purposes must be accompanied by a test from an approved laboratory indicating the birds were tested negative for pullorum/typhoid within 30 days prior to admittance to the fair, livestock show or poultry show.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Livestock Sanitary Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This rule change will not require any implementation cost to any state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This change will not have any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
This change will not have any fiscal impact which will directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This rule change will not have any effect on competition or employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:11201 "Twin Trifecta," relative to twin trifecta races, wagering and pool calculations.

The content of this rule can be found under the Emergency Rule Section of this issue of the *Louisiana Register*.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through May 5, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111 or Box 19267, New Orleans, LA 70179-9267.

Albert M. Stall  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:11201 "Twin Trifecta"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is a positive effect on revenue collections, how-

ever, it is impossible to determine such amount, nor how many additional bets will be placed by the general public due to an additional type of exotic wagering.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The benefits will be to the general betting public by offering an additional and new type of wagering opportunity.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Child Nutrition Program Managers

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education changed the terminology from "Registered School Food Service Managers" to "Certified Nutrition Program Managers" (amendments to Bulletin 741 and 1196).

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Child Nutrition Program Managers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs associated with this change in terminology.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Proposed Comp Ed Guidelines: Revisions

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given

that the Board of Elementary and Secondary Education approved the following Proposed Comp Ed Guidelines: Revisions, effective June 1, 1986:

#### PROPOSED COMP ED GUIDELINES REVISIONS

Page 5—V.C.3. The compensatory/remedial teacher shall assure that communication occurs on a regular basis among all teachers who provide language arts or mathematics instruction for a student receiving state-funded compensatory/remedial instruction in order that all instructional services provided will be coordinated. (Board Policy)

Page 5—4.a. Instruction in the state-funded compensatory/remedial program shall be based on student deficits as identified on the Louisiana Basic Skills Test in language arts and mathematics and may include prerequisite skills in the areas of deficiency as well as other skills required for success at the current grade level. (R.S. 17:395)

Page 5—5. As a prerequisite to exiting a student from the compensatory-remedial program, local school systems shall administer to that student an individualized summative test addressing those skills initially identified as deficient through the Louisiana Basic Skills Test. a) For each area in which a student qualifies for compensatory/remedial services this shall be a single test drawn from a common pool of items used for all students in that school system. The test shall be administered at one sitting. b) In order to qualify for exiting prior to receiving 70 hours of compensatory/remedial services in each area for which he or she qualifies, that student must demonstrate mastery of *each* identified deficient skill through this summative test. Local school systems shall identify the compensatory/remedial pool of items from which each individualized exit test is drawn and the criteria for determining skills mastery on this test in their Pupil Progression Plans (R.S. 17:395 and Board Policy 3.01.08(A)).

Page 6—6.c. If the system elects to submit an evaluation of its local program, an evaluation plan consistent with Department guidelines proposing to examine both the educational process and the extent of growth and achievement evidenced by pupils shall be included.

Page 7—VII.A.4. Each School system shall participate in the evaluation of the State Compensatory/Remedial Program conducted by the Department of Education. (Board Policy).

#### Page 7—B. Local Responsibilities

Participation in the state evaluation as described in Part VII-A shall satisfy the requirement for a local evaluation of the State Compensatory/Remedial Education Program.

1. A school system choosing to meet the requirement for a local evaluation through participation in the state evaluation shall so specify in its local Pupil Progression Plan.

2. A school system may conduct a local evaluation of the State Compensatory/Remedial Education Program and may submit this evaluation report to the department. A local evaluation of the State Compensatory/Remedial Education Program that is submitted to the department shall be conducted under the responsibility of a person having a valid Louisiana certificate in program evaluation and shall apply the state board-adopted standards for educational evaluations.

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Proposed Comp Ed Guidelines Provisions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Costs to the state governmental units will include printing and dissemination of the revised guidelines. A total cost of \$200 is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No impact on state or local revenues would result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No costs and/or economic benefits is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No estimated effects on competition and employment is anticipated.

Joseph F. Kyle  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Biology II, Chemistry II, and Physics II

In accordance with the Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education mandated that Biology II, Chemistry II, and Physics II will be acceptable to meet high school graduation requirements in science, effective August, 1988 (unless curriculum guides can be completed earlier).

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Statewide Curriculum Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The estimated cost for developing, piloting, printing, and implementing the three curriculum guides is as follows: \$19,635.30 (developing, piloting, revising, printing) \$8,300 (statewide implementation)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect on revenue collections is involved in the proposed action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The goal of the Competency-Based Education Program is to ensure that every student in the public elementary and secondary schools of the state has an opportunity to attain and to maintain skills that are considered essential to further learning and social functioning.

Cost involved will include funds required to develop, pilot, print, and implement the curriculum guides for Biology II, Chemistry II, and Physics II.

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

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Migrant Education State Plan for FY 1987

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Migrant Education State Plan for FY 1987. Copies of the Plan may be seen at the office of the Louisiana Register or at the State Board of Elementary and Secondary Education.

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: FY-87 Migrant State Plan**

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

Migrant Education is a 100 percent federally funded program. Its administration does not necessitate employment of persons funded from other sources. It will cost \$264,285 in federal funds.

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

There will be no effect on revenue collections.

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

Approximately 7,000 children living in Louisiana for at least a portion of the school year will receive instructional or supportive services through the Migrant Education Program. A decrease is expected with an anticipated FY-87 allocation of \$4.8 million.

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

The Migrant Education program creates full-time instructional positions for more than 270 persons, most of whom are paraprofessional teaching aides. Approximately 60 additional full-time positions are funded for recruitment personnel, records personnel, and state office staff. A number of part-time or shared-time positions are also funded with these monies. The program has little if any effect on competition.

Joseph F. Kyle  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Revised Secondary Summer School Standards

In accordance with the Louisiana Revised Statutes 49:905 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary approved the revised secondary summer school standards for public schools to be the same as the revised requirements for the secondary nonpublic sector and as follows:

1. Standard 2.116.13, page 110 of Bulletin 741 (Attendance): Delete the Standard as written and insert in lieu thereof the following:

(1) 70 hours for one-half unit new credit;

(2) 47 hours for removal of one-half unit deficiencies. (The local system may impose a stricter minimum attendance policy.)

2. Standard 2.116.15, page 111 of Bulletin 741 (Time Requirements): Delete the Standard as written and insert in lieu thereof the following: "Daily time requirements are as follows:

Length of Summer School

Total Hours

New subjects

90

Repeated subjects

60

Any deviation from the above time allotments must be approved by the State Department of Education.)

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Summer School (Public) Standards**

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

There are no estimated implementation costs or savings to state government. Local school systems may slightly reduce utility costs due to less required hours needed to earn one unit of credit.

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

There is no estimated effect on revenue collections of state government. This policy could possibly increase the public summer school student enrollment thus providing an increase in tuition revenue for local school systems.

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

The reduced requirements may encourage more students and teachers to participate in public summer school programs.

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

The reduced requirements may encourage more students and teachers to participate in public summer school programs. The change in policy for public schools would also track proposed nonpublic school standards.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Transfer of High School Students  
to Adult Education

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved as policy; "Eligible students who desire to exit the K-12 program and transfer into Adult Education, with the permission of their parents and the authorization of the principal or counselor, be considered as transfer students rather than dropouts."

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Transfer of High School Students to  
Adult Education**

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

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

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

There is no effect on revenue collections of state or local governmental units.

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

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

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

There is no estimated effect on competition or employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Fee Schedule for Students Attending  
Vocational-Technical Schools

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the board approved the following fee schedule for students attending vocational-technical schools, effective July 1, 1986:

**FEE SCHEDULE FOR STUDENTS ATTENDING  
VOCATIONAL-TECHNICAL SCHOOLS**  
Effective July 1, 1986 persons enrolled in full-time or part-

time classes at vocational-technical schools shall be charged fees in compliance with the following provisions:

- 1. Enrollment and tuition fee schedule:
  - a. Enrollment fee: An enrollment fee of \$5 shall be charged each student upon enrollment or re-enrollment.
  - b. Students shall pay in advance, the following tuition fees:

**TUITION FEES**

	Year	Quarter	Term
Full-time	\$100	\$25.00	\$20
3/4 time	\$ 75	\$18.75	\$15
1/2 time	\$ 50	\$12.50	\$10

c. Extension Courses: \$1 per instructional hour for extension courses, not to exceed \$100 per year.

d. Non-residents shall pay tuition fees twice the amount charged students who are residents.

2. Louisiana high school students will NOT be charged any fees during the regular school year. High school students will be considered full-time vocational technical students during the summer.

3. Enrollment of re-enrollment payments, or acceptable evidence of indebtedness, shall be due upon registration or re-enrollment, as part of the enrollment process. These fees are non-refundable.

4. Tuition fees may be paid by another agency on behalf of a student.

5. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.

6. Part-time courses of instruction shall include:

- a. extension and apprenticeship programs which are offered in the evening, or on weekends;
- b. programs totaling less than 170 hours

7. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.

8. Students being "carried over" into the fiscal year beginning in 1986 shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month.

9. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:

- a. annual
- b. quarter
- c. term

10. The fee schedules provided herein shall become effective July 1, 1986, provided they are not in conflict with state law, that all revenues derived from enrollment and tuition fees shall be utilized by the school where fees are collected.

11. Any funds derived from fees collected by a school may be expended by that school for supplies and equipment over and above legislative appropriations for the school, subject to the approval of BESE and in compliance with state law.

12. That fees collected for extension courses may be used to defray costs of extension courses with approval by the board.

13. It is the intent of this section to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds.

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director



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

**Rule Title: Revised Fee Schedule for Students Attending  
Vo-Tech Schools**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation cost as this only replaces the existing fee schedule. The revenue to be derived from this fee schedule will be shown below.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
During FY 1986-87, the vocational-technical schools will collect an estimated \$2,090,590 in tuition, during FY 1987-88 an estimated \$2,090,590 and during FY 1988-89 an estimated \$2,090,590. These funds will be utilized by the schools where the fees are collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
It is the intent to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds. Therefore the only persons affected will be the students who pay the fees. The benefits will be in better-equipped vocational-technical schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The only effect will be a better trained student. It is felt that when a person invests his own funds he/she will demand better training.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to revise the GOEA Policy Manual. The purpose of the amendment is to revise Section 1197, entitled "Program Income," to stipulate the allowable usage of program income as defined in CFR 45 Part 74.41.

Effective June 20, 1986, Section 1197 of the GOEA Policy Manual will be revised to read as follows:

"Under the authority granted to the state by Section 74.42(2) of Title 45, of the Code of Federal Regulations, area agencies and their sub-contractors may use only the deduction alternative defined in 74.42(2)(C). Under this method, state and federal funds can only be applied to net expenditures. Net expenditures are calculated by subtracting all program income collected from total allowable costs. All program income collected must be used for current period expenses unless the Governor's Office of Elderly Affairs authorizes deferral to a later period."

Written comments on the proposed rule change will be accepted by the GOEA until May 10, 1986. Comments should be addressed to Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

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

**Rule Title: Program Income Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs or savings to state or local governmental units resulting from this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units resulting from this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no costs or savings to the area agencies on aging or their subcontractors resulting from this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment resulting from this rule change.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the current Louisiana State Plan on Aging (effective October 1, 1983 through September 30, 1987). The purpose of the amendment is to remove the planning and service area (PSA) designation from Assumption and Jefferson Davis parishes, and to incorporate these two parishes into the multi-purpose PSA's now being served by Capital Area Agency on Aging and Evangeline Economic Development District Area Agency on Aging, respectively.

The GOEA will conduct public hearings on this proposed amendment to the State Plan on Aging as follows:

Thursday, April 24, 1986 at 10 a.m., Assumption Council on Aging, 218 Jefferson Street, Napoleonville, LA 70390.

Friday, April 25, 1986 at 2 p.m., Jennings Senior Center, 315 Cary Avenue, Jennings, LA 70546.

Written comments concerning the proposed amendment of the State Plan on Aging will be accepted until 5 p.m., April 25, 1986. All comments received will be considered by the GOEA in deciding whether to adopt the proposed amendment. Interested parties are encouraged to submit oral testimony at the hearings.

To submit written comments or to obtain additional information concerning this proposed action, please contact Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State Plan Amendment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs or savings to state

or local governmental units resulting from this state plan amendment.

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

There will be no effect on revenue collections of state or local governmental units resulting from this state plan amendment.

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

Assumption and Jefferson Davis Parish Councils on Aging will no longer receive funds for the administration of area plans in their respective parishes. Instead, the funds will go to the assigned multi-parish area agencies on aging.

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

The proposed revision of the State Plan on Aging is not expected to affect competition or employment in the public and private sectors. Staffing changes at the affected agencies are expected to be minimal.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana State Board of Examiners for Nursing Home Administrators intends to amend LAC 46:XLIX.1105 A.17 and intends to adopt LAC 46:XLIX.1105A.18 as follows.

**§1105. Refusal, Suspension and Revocation of License**

17. has directly or indirectly condoned, directed, or allowed actions by his/her subordinates which are in violation of the aforementioned rules.

18. failed to notify the board of change of employment and/or change of address.

Interested persons may submit written comments on the proposed changes until 3:30 p.m., May 16, 1986, at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 205, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

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

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

There will be no additional costs or savings.

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

There will be no effect on revenue collections by either state or local governmental units.

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

There will be no costs or economic benefit to persons or groups affected by this proposal.

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

There will be no effect on competition and employment.

Winborn E. Davis  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners plans to amend LAC XLVII.905A, the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the State of Louisiana at its annual meeting, September 26, 1986.

The proposed revision is as follows:

**Chapter 9. Program Projection  
§905. Staffing**

A. Instructor-student ratio

One instructor shall be responsible for no more than ten students in the clinical area.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA 70112. Written comments will be received through August 31, 1986.

Terry L. DeMarca, R.N.  
Executive Director

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

**Rule Title: Administrative Rules and Minimum Requirements Relating To Practical Nursing Education And Licensure To Practice In The State Of Louisiana**

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

None.

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

None.

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

This should produce a more competent, efficient practical nurse to enter the health care field.

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

None.

Terry L. DeMarca  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

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

Summary

The Office of Family Security responded to a request for proposal from USDA-FNS for a Food Stamp Work Registration/ Job Search Services pilot project. Maximum funds available to Louisiana are \$255,887. In accordance with 7 CFR 273.7, the Office of Family Security proposes to implement a job search program in East Baton Rouge and Rapides Parishes.

PROPOSED RULE

Effective July 1, 1986, the Office of Family Security, Food Stamp Program intends to provide job search services to a targeted group of mandatory work registrants who live in East Baton Rouge or Rapides Parish; have a 3 - 6 month food stamp certification period and all of the following: work experience within the last 6 months of the month of application or reapplication, employable skills as defined by the service delivery area and an educational level of the 8th grade or above.

The services will consist of assessment for job readiness, training and job search with the intent of job placement.

The targeted work registrants who fail to comply with the job search requirements may be disqualified from participation in the food stamp program for a maximum period of two months. All participants in the job search activities will have the right to a fair hearing concerning any case decisions related to job search.

COMMENTS

Interested persons may submit written comments through May 7, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on May 7, 1986, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded the opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

**Rule Title: Family Security Job Search FSP**

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

There will be no implementation costs or savings to state or local government units.

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

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

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

The benefit to directly affected persons is possible placement in a job; however, we cannot estimate the economic benefits to those persons. Those who fail to comply with job search requirements may be subject to disqualification from the food stamp program.

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

There will be no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

NOTICE OF INTENT

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

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

Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Volume 51, No. 37, Tuesday, February 25, 1986, pgs. 6511-6514.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a March 27, 1986 implementation date. The emergency rule is in this issue of the *Louisiana Register*.

Proposed Rulemaking

PROPOSED RULE

Effective March 27, 1986, if the cost of producing self-employment income exceeds the income derived from self-employment as a farmer, such losses will be offset against other countable income in a household. To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1000 or more from the farming enterprise. The same base that is used to determine income from self-employed farm operations shall be used to determine any net loss. Losses should be prorated over the year in a manner comparable to that used to prorate farm self-employment income.

Also effective March 27, 1986, residents of publicly operated community mental health centers which provide the same type of residential programs for alcoholic or drug rehabilitation as private, non-profit institutions will be considered an individual household and, if eligible, may participate in the Food Stamp Program.

COMMENTS

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on the proposed rule will be held May 7, 1986, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

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

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

**Rule Title: Self-Employment Losses and Community  
Mental Health Centers**

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

The cost in FY 86-87 is \$150 (\$75 state and \$75 federal).

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

There is no effect on revenue collections.

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

Self-employed farmers household who fit the criteria might benefit by becoming eligible to receive benefits or get increased benefits. Residents of publicly operated mental health centers which provide drug and alcoholic rehabilitation could benefit from participation in the program. Any increase in food stamp benefits is 100 percent federally funded.

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

There is no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources intends to add the following rule pertaining to controlled dangerous substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§20. Added Controlled Substances

The following drug is hereby controlled under the designated schedule under authority of R.S. 40:962 (the following drug is in addition to the drugs previously controlled in section 20 of the regulations and in the statute in Section 40:964).

Schedule I

Hallucinogenic Substances

1. Methylenedioxymethamphetamine. (MDMA).

Interested persons may comment on the proposed rule in writing at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Section 20**

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

There are no implementation costs or savings to the agency from the addition of 3,4 methylenedioxymethamphetamine to Schedule I.

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

There is no effect on revenue collections from the addition of the drug to the Schedule I.

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

There are no costs to any groups since the drug has no licit use in medicine in the United States.

The benefits are removing the drug from access to the general public so that the drug is not easily obtained for abuse use.

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

There is no effect on competition and employment from this action.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 49:965 and 972, the Secretary of the Department of Health and Human Resources intends to add the following rule pertaining to controlled dangerous substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§21. Deleted Controlled Substances

The following drug is hereby deleted under the designated schedule under authority of R.S. 49:962 (the following drug is deleted from the drugs scheduled in the statute in section 40:964).

Schedule II

A. Substances of Vegetable Origin or Chemical Synthesis

(1) Opium and Opiate

a. Apomorphine

Interested persons may comment on the proposed rule in writing at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Section 21**

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

There are no implementation costs or savings to the agency.

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

There is no effect on revenue collections from this action.

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

There are no estimated costs to affected groups. The benefits will be to make the drug Apomorphine more readily available to the public.

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

There is no effect on competition and employment from this action.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Health and Human Resources is proposing to implement uniform (regardless of funding source) minimum standards for residential care providers and board and care providers in regards to life safety. This rule is the Life Safety Licensing Code.

Specifically, these standards apply to community homes (4 beds to 6 beds), group homes (7 beds to 16 beds), institutional homes (17 beds or more) and board and care homes (also known as boarding homes) as defined in R.S. 40:2153. This Life Safety Licensing Code is Chapter 21 of the National Fire Protection Association Life Safety Code 101 (most recent edition). In addition, because there is freedom of choice as to admissions, a two or more story building of a non-fire resistive type construction shall have an approved sprinkler system. *Approved* means the sprinkler system is installed in accordance with National Fire Protection Association 13 or, where applicable, 13D.

The department is proposing this rule to comply with the following requirements:

1. R.S. 40:2155(B)(2);
2. 45 Code of Federal Regulations Part 1397;
3. 42 Code of Federal Regulations 442.507 and 442.508.

In the event this rule conflicts with any federal or other state department life safety requirement (e.g. State Fire Marshal), the stricter of the two conflicting rules will apply.

These uniform minimum standards are available for review at and written comments may be addressed until May 23, 1986 (4:30 p.m.) to the Division of Licensing and Certification, 333 Laurel Street, Room 620, Box 3767, Baton Rouge, LA 70821.

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

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Life Safety Licensing Code

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no extra cost of saving. This is already being done using older standards.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
This proposed rule should gear appropriate safety measures to appropriate groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Health and Human Resources (DHHR) intends to apply for Block Grant federal funding for FY 1986-87

in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472 - 29493. DHHR will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and federal regulations.

The block grants and the DHHR offices responsible for program administration are as follows:

1. Alcohol and Drug Abuse and Mental Health Services—Office of Mental Health (OMH) and Office of Prevention and Recovery of Alcohol and Drug Abuse (OPRADA). Inquiries and comments regarding Mental Health Services may be addressed to James W. Low, M.D., Assistant Secretary, Office of Mental Health, Box 4049, Baton Rouge, LA 70821. The application is available for review at any OMH or OPRADA facility. Inquiries regarding Alcohol and Drug Abuse Services may be addressed to Vern Ridge-way, Box 53129, Baton Rouge, LA 70892.

2. Maternal and Child Health Services—Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility.

3. Preventive Health and Health Services—Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility.

4. Title XX Social Services—Office of Human Development (OHD). Inquiries and comments may be addressed to Melvin J. Meyers, Jr., Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

5. Low-Income Energy Assistance—Office of Human Development (OHD). Inquiries and comments may be addressed to Melvin J. Meyers, Jr., Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

A copy of each application may be obtained by writing directly to the DHHR Office responsible for administration. In addition, a copy of the application may be obtained by contacting the Governor's TIE LINE, Box 44004, Capitol Station, Baton Rouge, LA 70804, Phone: 1-800-272-9868.

Public hearings on block grant applications for FY 1986-87 are scheduled as follows:

Monday, May 5, 1986, Baton Rouge, 10 AM, State Insurance Bldg., 950 N. 5th Street, Plaza Floor Hearing Rm., Baton Rouge, LA.

Tuesday, May 6, 1986, Lake Charles, 10 AM, Calcasieu Parish OFS, 710 Ryan Street, New 2nd Fl. Conf. Rm., Lake Charles, LA.

Wednesday, May 7, 1986, Alexandria, 10 AM, State Office Building, 2nd Floor Conf. Rm., 900 Murray Street, Alexandria, LA.

Thursday, May 8, 1986, Shreveport, 10 AM, State Office Building, Room 205, 1525 Fairfield Avenue, Shreveport, LA.

Monday, May 12, 1986, New Orleans, 10 AM, Orleans Par. OFS Bldg., 2nd Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA.

A copy of any of the applications may be obtained by calling the Governor's TIE LINE at 1-800-272-9868. Also, the local or regional DHHR office administering the block grant will make the application available for review from 8:30 AM until 4 PM on weekdays.

At the public hearings all interested persons will have the

opportunity to provide recommendations on the proposed block grant applications, orally or in writing. Written comments will be accepted through May 25, 1986.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: ADAMHS Block Grant 86-87**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
As a result of the Balanced Budget and Deficit Control Act (Graham-Rudman), the ADAMHS Block Grant will be reduced from \$5,665,000 to \$4,894,000—a reduction of \$771,000. 84.59 percent (\$652,189) will affect Alcohol and Drug Abuse Programs and 15.41 percent (\$118,811) will affect Mental Health Programs.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Services provided to clients funded by the ADAMHS Block Grant will be reduced. Contracts with private non-profit agencies will be reduced and, in some cases, eliminated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be a loss of approximately 36 positions, both Civil Service and private non-profit positions.

Vern C. Ridgeway  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LIHEAP Block Grant Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation cost of this plan is \$20,551,125 in federal funds (\$4,661,105 from an anticipated FFY 1986 allotment of \$18,113,682 and \$15,890,020 from an anticipated FFY 1987 allotment of \$20,503,252.) Of the total estimated cost the amount of \$2,050,325 (10 percent of total FY 1987 allotment) will be transferred to the Social Services Block Grant and \$15,540,672 will be available for energy assistance (84 percent), \$2,775,120 for weatherization (15 percent), and \$185,008 for energy crisis intervention (1 percent). Administrative costs will be limited to \$1,850,080 which is 10 percent of total cost of these three services.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
For the period 07/01/86 thru 06/30/87 a total of \$20,551,125 in federal LIHEAP Block Grant funds will be available to the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
It is anticipated that purchase of service contracted funds will offset the cost of service delivery to designated local community action agencies.

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

Only minimum effect is anticipated on competition and employment as all but the largest community action agencies state they can implement the proposed contracts with existing staff.

Melvin Meyers, Jr.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: SSBG (SSA Title XX 1986-87)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation cost of this plan is \$53,523,948 which includes \$51,882,579 federal funds and \$1,641,369 IAT from within DHHR. Federal funds include \$13,944,416 of Revised FY 86 plus \$37,938,163, or 74 percent of the anticipated FY 87 allotment - total \$51,882,579.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
As a result of Public Law 99-177, the Gramm-Rudman Act of 1985, Louisiana's FY 86 allotment \$50,927,746 was reduced by approximately 4.4 percent to \$48,661,461. Louisiana FY 87 allotment published 11/15/85 is \$50,730,291.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect is anticipated on competition and employment.

Melvin Meyers, Jr.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Preventive Block Grant 1986-1987**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Neither increase nor decrease in costs to implement is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
OPPHS anticipates receiving \$2,779,435 in federal funds for this block grant in fiscal year 1986-87. This level of funding, compares to \$2,779,435 expected to be received during the current fiscal year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

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

No effect is anticipated on competition and employment.

Daneta Daniel Bardsley  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Maternal and Child Health  
Block Grant (FY '87)**

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

This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

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

No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the state will be required to subsequently decrease the allotment to all programs covered under the block, but this is a factor beyond our control.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

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

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result.

Joseph O. Kimbrell  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police  
Hazardous Substance Control Section**

The Department of Public Safety and Corrections proposes to adopt the following revised rules by virtue of its authority under Louisiana Revised Statute 32:1504. On September 20, 1980, the Department of Public Safety promulgated regulations governing the transportation of hazardous materials and hazardous waste. These rules were updated November 20, 1984.

The proposed rules supercede the regulations promulgated November 20, 1984. These rules update the regulations so that they may remain consistent with the current Code of Federal Regulations, Title 49 (49 CFR), Parts 170-179 and 390-398, as required by Louisiana Revised Statute 32:1504.

The significant changes to the regulations are:

1. update the Hazardous Material Table (172.100) to include new chemical names;

2. update motor carrier safety regulations to include all commodities transported.

Copies of the proposed rules changes will be available for inspection Monday thru Friday during normal working hours in the office of the Hazardous Substance Control Section, Office of State Police, 265 South Foster Drive, Baton Rouge, LA.

Interested persons may submit written comments on the proposed rules within a reasonable amount of time to the following: Lt. Pat Touchard, Hazardous Materials Unit, Louisiana State Police, Box 66614, Baton Rouge, LA 70896. He is the person who will respond to inquiries concerning this proposal.

Colonel Wiley D. McCormick  
Deputy Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Hazardous Substance Control Section**

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

There will be no implementation costs or savings to state or local government.

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

These regulations do not affect state or local government revenues.

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

The regulations require commercial vehicles to be operated and maintained in good condition and require special safety procedures to be taken when transporting hazardous materials. There should be no extra cost to non-governmental groups.

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

No effect on competition and employment.

P. A. Touchard  
Hazardous Materials Unit

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Excise Taxes Section**

Under the authority granted by LSA-R.S. 47:1511, the secretary of the Louisiana Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the Special Fuels Taxes (Part V of Chapter 7 of Title 47 of the Louisiana Revised Statutes of 1950).

**PROPOSED RULES**

Regulations for the administration and enforcement of the Special Fuels Taxes.

**Article 47:801. Definitions**

*Retail Outlet* means and includes every person or dealer who sells special fuels at retail and delivers such fuel into the fuel supply tanks of motor vehicles or into a storage tank or drum with a capacity of less than 1000 gallons when such tank has been transported to the facility by the purchaser. *Retail outlet* shall also mean and include pumps which have a rate of flow of 40 gallons per minute or less, regardless of whether the pump is located on the property of a bulk plant, service station, or truck stop. For the

## CONTENTS

### I. EXECUTIVE ORDERS

EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1 ..... 209

### II. EMERGENCY RULES

Agriculture Department:	
Agricultural Finance Authority—Production Loan Program .....	209
Commerce Department:	
Racing Commission—LAC 35:I.1787.G, Pre-race Testing .....	211
LAC 35:XIII.11201, Twin Trifecta .....	211
Education Department:	
Board of Elementary and Secondary Education—Secondary summer school standards .....	212
Health and Human Resources Department:	
Board of Medical Examiners—Licensing of physicians and surgeons .....	212
Licensing and practice of midwives .....	213
Office of Family Security—Food Stamp Program - Self-employment losses; community mental health centers .....	222
Food Stamp Program - Annualization of interest income for retrospectively budgeted monthly reporting households .....	222
Office of Preventive and Public Health Services—Handicapped Children’s Services Program - Limits services .....	223
Office of the Secretary—Contracts sheltered workshops to provide employment to disabled .....	223
Public Safety and Corrections Department:	
Office of the Secretary—Searches of visitors and employees .....	223
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Sets special white shrimp season .....	224
Reduces shrimp harvested on certain wildlife management areas .....	224

### III. RULES

Agriculture Department:	
Office of Animal Health Services—LAC 7:XXI.Chapter 123, Pet turtles .....	224
Education Department:	
Board of Elementary and Secondary Education—Non-public school standards .....	225
Elections and Registration Department:	
Elderly/handicapped voting accessibility .....	225
Environmental Quality Department:	
Office of Air Quality—Reportability of asbestos generated by demolitions/renovations .....	229
Governor’s Office:	
Division of Administration—LAC 4:I.Chapter 3, Fees .....	229
LAC 4:V.Chapter 7, PPM No. 33 - Request for new or substitute positions .....	229
LAC 4:V.Chapter 11, PPM No. 40 - State Employees Group Insurance Program .....	230
LAC 4:V.Chapter 21, PPM No. 53 - Repair and replacement of damaged property covered under Risk Management Program .....	230
LAC 34:XI.Chapter 1, Equipment Lease-Purchase Program .....	231
LAC 37:I.Chapters 1, 3, 5, and 7, Procurement of structural payment plans .....	234
Health and Human Resources Department:	
Board of Pharmacy—LAC 46:LIII.301, Examinations .....	238
LAC 46:LIII.Chapter 29, Adjudication procedures .....	238
Office of Family Security—MAP - Bed reservation limits for ICF/MR services .....	243
MAP - Cap “Carve Out” Units .....	243
MAP - Lock-in Programs .....	244
Support Enforcement Program - IV-D Medical Support .....	245
Office of Prevention and Recovery from Alcohol and Drug Abuse—ADAMS Block Grant appeals process .....	245
Labor Department:	
Office of Employment Security—Appeals referee training .....	246
Public Safety and Corrections Department:	
Corrections Services—Adult and Juvenile Services - Attorney visits .....	246
Office of Alcoholic Beverage Control—Permits renewal .....	247
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Cardiac rehabilitation .....	248
Lifetime maximum .....	249
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—LCDBG (FY 1985) Final Statement .....	249
LCDBG (FY 1984) Final Statement .....	249

This public document was published at a total cost of \$7,413.55. 1,475 copies of this public document were published in this monthly printing at a cost of \$2,642.35. The total cost of all printings of this document including reprints is \$7,413.55. This document was published by Moran Colorgraphic, 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.



**IV. NOTICES OF INTENT**

Agriculture Department:  
Office of Animal Health Services—Livestock Sanitary Board - LAC 7:XXI, Diseases of Animals ..... 249

Commerce Department:  
Racing Commission—LAC 35:XIII.11201, Twin Trifecta ..... 251

Education Department:  
Board of Elementary and Secondary Education—Child Nutrition Program managers ..... 251  
Comp Ed Guidelines ..... 251  
Curriculum standards (Biology II, Chemistry II, Physics II) ..... 252  
Migrant Education State Plan (FY 1987) ..... 253  
Secondary summer school standards ..... 253  
Transfer of high school students to adult education ..... 254  
Vocational-Technical students fee schedule ..... 254

Governor’s Office:  
Office of Elderly Affairs—Program income ..... 255  
State Plan on Aging ..... 255

Health and Human Resources Department:  
Board of Examiners for Nursing Home Administrators—LAC 46:XLIX.1105, Refusal, suspension and revocation of license ..... 256  
Board of Practical Nurse Examiners—LAC 46:XLVII.905, Staffing ..... 256  
Office of Family Security—Food Stamp Program - Job search services ..... 256  
Food Stamp Program - Self-employment losses and community mental health centers ..... 257  
Office of the Secretary—Controlled dangerous substances (addition) ..... 258  
Controlled dangerous substances (deleted) ..... 258  
Life safety licensing code ..... 259  
Maternal and Child Health Block Grant (FY 1987) ..... 259

Public Safety and Corrections Department:  
Office of State Police—Hazardous Substance Control Section - Transportation of hazardous materials and hazardous waste ..... 261

Revenue and Taxation Department:  
Excise Taxes Section—Special fuels tax ..... 261

Transportation and Development Department:  
Office of Highways—Overweight permit ..... 263  
Permit fee schedule ..... 263

Treasury Department:  
Board of Trustees of the State Employees Group Benefits Program—Eligibility provisions ..... 264

Urban and Community Affairs Department:  
Office of Planning and Technical Assistance—LCDBG Final Statement (FY 1986) ..... 265

Wildlife and Fisheries Department:  
Wildlife and Fisheries Commission—Prohibits fishing for paddlefish ..... 266  
Sister (Caillou) Lake Oyster Seed Reservation boundary description ..... 266

**V. COMMITTEE REPORTS**

Justice Department:  
Licensing electronic video machines ..... 267  
Licensing electronic video machines - Governor’s action on disapproval of proposed rules ..... 268

Treasury Department:  
Board of Trustees of the State Employees Group Benefits Program—In-patient deductible ..... 268

Wildlife and Fisheries Department:  
Wildlife and Fisheries Commission—Oyster seed grounds ..... 268

**VI. LOUISIANA ADMINISTRATIVE CODE UPDATE**

January 1986 to March 1986 changes to the LAC ..... 268

**VII. POTPOURRI**

Agriculture Department:  
Office of Agricultural and Environmental Sciences—Quarantine Programs - Quarantined areas ..... 269

Natural Resources Department:  
Office of Conservation—Injection and Mining Division - Public hearing ..... 269  
Fishermen’s Gear Compensation Fund—Claims ..... 269

Treasury Department:  
State Employees Retirement System—Meeting notice ..... 273

**VIII. ERRATA**

Public Safety and Corrections Department:  
Office of the State Fire Marshal—Date corrected ..... 273

# Executive Orders

## EXECUTIVE ORDER EWE 86-8

WHEREAS, R.S. 13:5108.1 requires delivery to the attorney general of any summons, complaint, demand, pleading and/or related document issued or filed in any suit brought under 42 U.S.C. §1981 et seq. against a state officer or employee, as a prerequisite to indemnification by the state; and

WHEREAS, R.S. 13:5108.1 requires the attorney general to evaluate the above referenced documents and to defend said state officers or employees under certain circumstances; and

WHEREAS, private contract counsel may not be utilized by a state officer or employee and paid with public funds until the attorney general first receives and evaluates the propriety of a defense by his office; and

WHEREAS, the economic situation of our state, in addition to the mandate of state law, dictates the use of attorneys presently employed by the attorney general who have expertise in this field and who can present a consistent legal position on behalf of the state;

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

Each state officer or employee against whom suit is filed under 42 U.S.C. §1981 et seq. and who intends to seek indemnification from the state under R.S. 13:5108.1 shall comply with the provisions of that statute.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 26th day of March, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Agricultural Finance Authority

In accordance with the emergency provisions of the Administrative Procedure Act (Louisiana Revised Statutes of 1950, as amended, Section 49:953B), notice is hereby given that the Louisiana Agricultural Finance Authority (the "Authority"), a public instrumentality existing within the Department of Agriculture at a regularly scheduled meeting held on March 20, 1986, determined that an economic emergency presently exists throughout the agricultural community with respect to the non-availability of capital at reasonable interest rates for agricultural purposes. The present emergency in the agricultural community may affect the supply of food for human consumption during the coming year, in that

farmers who cannot obtain capital will be unable to produce the food needed by the consumers of the State of Louisiana.

The Louisiana Agricultural Finance Authority further determined that, in order to alleviate these emergency conditions to the extent possible, it is necessary to enact certain rules and regulations on an emergency basis.

Therefore, under the authority contained in the provisions of Louisiana Revised Statutes of 1950, as amended, Section 3:26, the Louisiana Agricultural Finance Authority adopted the following rules and regulations on an emergency basis.

### Chapter 5. Agricultural Finance Authority Subchapter B. Production Loan Program §541. Definitions

*Act* means the Louisiana Agricultural Finance Act, being Chapter 3-B, Title 3 of the Louisiana Revised Statutes of 1950, as amended, Sections 261 through 283, inclusive.

*Agricultural loan or agricultural loans* means the interest-bearing loan, evidenced by a loan note, made by the lender to any person for the purpose of financing the acquisition of goods or services, including, but not limited to: a leasehold interest in land, not to exceed 12 months; land improvement; soil conservation; irrigation; construction, renovation, or expansion of buildings and facilities; purchase of farm fixtures, livestock, poultry and fish of any kind; seeds; fertilizers; pesticides; feeds; machinery; equipment; containers or supplies to be employed in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products within the State of Louisiana.

*Agricultural loan purchase agreement* means the agreement between the authority and a lender under which, among other required provisions, the authority agrees to purchase an agricultural loan after it is originated by the lender.

*Assignment* means the assignment of the loan notes which assigns the interest of the lender in the loan notes to the authority.

*Bond or bonds* means the bonds, notes, renewal notes, re-funding bonds, interim certificates, certificates of indebtedness, debentures, warrants, commercial paper or other obligations or evidences of indebtedness authorized to be issued by the authority pursuant to the provisions of the Act.

*Borrower* means an individual, partnership, firm, corporation, company, cooperative, association, society, trust or any other business unit or entity, including any state or federal agency, which uses proceeds of a loan for any project which meets the requirements of these rules and regulations.

*Closing* means any closing held pursuant to the agreement at which an agricultural loan is sold to the authority.

*Closing date* means the date of a closing.

*Credit bank* means the issuer of the irrevocable letter of credit issued in favor of the trustee for the benefit of the authority which obligates the credit bank to pay an amount equal to the principal amount of the notes plus the amount of interest which accrues thereon.

*Indenture* means the indenture of trust by and between the authority and the trustee, dated as of April 1, 1986.

*Lender* means any of the following, when participating in the Program: a bank, bank or trust company, federal land bank, production credit association, bank of cooperatives, building and loan association, homestead, insurance company, investment banker, mortgage banker or company, pension or retirement fund, savings bank or savings and loan association, small business investment company, credit union, any other financial institution authorized to do business in Louisiana or operating under the supervision of any federal agency or any Edge Act Corporation or agreement, or a corporation organized or operating pursuant to Section 25 of the Federal Reserve Act.

*Loan file* means the loan documents pertaining to a particular agricultural loan.

*Loan letter of credit* means the irrevocable letter of credit issued by the loan letter of credit bank to the trustee to secure the obligation of the borrowers to pay the principal of and interest on the agricultural loans when due pursuant to the loan notes and the agreement, and which has been delivered to the trustee pursuant to the indenture.

*Loan letter of credit agreement* means the agreement between the borrower and the loan letter of credit bank providing for the issuance of the loan letter of credit.

*Loan letter of credit bank* means the issuer of a loan letter of credit, specified in the loan purchase submission voucher, which issuer has been approved by the credit bank.

*Loan note* means the promissory note of a borrower payable to the order of the lender. *Borrower's notes* means all of such notes outstanding at any time.

*Notes* means the authority's \$150,000,000 1986 Series A notes (Agricultural Loan Program).

*Person* means any individual, partnership, firm, corporation, company, cooperative, association, society, trust or any other business unit or entity including any state or federal agency.

*Production loans* means the interest-bearing loan, evidenced by a loan note, made by the lender to any person for the purpose of financing the acquisition of seeds, fertilizers, pesticides and any and all other supplies, products and/or services used in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products for one agricultural crop production cycle within the State of Louisiana.

*Program* means the authority's Agricultural Production Loan Program.

*Program application fee* means the fee paid by lender to the authority in order to participate in the program.

*Project* means the property to be financed with an agricultural loan.

*Qualified loan repurchase agreement* means an agreement entered into by and between the authority and any person which agreement and person are satisfactory to the credit bank whereby such person is obligated to repurchase defaulted agricultural loans.

*State* means the State of Louisiana.

*Trustee* means the trustee and/or any program administrator or purchase agent appointed in the manner provided in the indenture, and its successor or successors.

#### **§543. Program Authorization—State Statutes**

The \$150,000,000 1986 Series A Notes (Agricultural Loan Program) is authorized by Louisiana Revised Statutes of 1950, as amended, Title 3, Chapter 3-B, Sections 261-283, inclusive, and Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and by these statutes permit funding by bonds of a wide range of agricultural loans.

#### **§545. Projects Eligible for Loans Funded With Note Proceeds**

Agricultural loan proceeds may be used for the purpose of financing acquisition of goods or services, including, but not limited to: a leasehold interest in land, such interest not to exceed a term of 12 months; land improvements; soil conservation; irrigation; construction, renovation or expansion of buildings and facilities; purchase of farm fixtures, livestock, poultry and fish of any kind; seeds; fertilizers; pesticides; feeds; machinery; equipment; containers or supplies to be employed in the production, cultivation, harvesting, storage, marketing, distribution or export of agricultural products within the State of Louisiana. Provided, however, that preference shall always be given to the origination of production loans.

#### **§547. Minimum and Maximum Amount of Agricultural Loans**

A. There is no minimum or maximum limitation on the amount of agricultural loans originated by any one lender.

B. The minimum amount of an agricultural loan borrowed by any one borrower shall be \$5,000.

C. The maximum amount of an agricultural loan borrowed by any one borrower shall be \$10,000,000.

#### **§549. Eligibility Requirements for Lenders**

A. The lender must be an entity listed in LAC 7:III.541 (definition of "lender") hereof and must be experienced in originating and servicing agricultural loans.

B. The lender must be qualified and in good standing under all state and federal laws applicable to lenders.

C. Within the past three years, the lender cannot have been listed on the federal comptroller's "Supervised or Watch List", or any substantially similar listing of any state or federal regulatory agency responsible for regulating banks and financial institutions.

D. Each lender must be approved by the authority prior to participating in the program. The authority retains the right to reject any lender, even though that lender meets the minimum requirements established by these regulations or to accept a lender which does not meet these minimum requirements.

E. The lender must collect all payments required under the terms and conditions of a loan note and pay such amount to the trustee.

#### **§551. Requirements for Borrowers**

A. The borrower is not required to be domiciled in the state, but must use the agricultural loan proceeds for an agricultural activity located within the state.

B. If the borrower is a partnership or corporation, the entity must actually be engaged in an agricultural activity within the state.

#### **§553. Required Terms and Conditions for Loans Funded With Proceeds of the Notes**

The terms and conditions of each agricultural loan, except as required under these rules and regulations, shall be determined by the lender and the borrower, but are subject to the authority's approval in the manner described in LAC 7:III.557 (C) hereof.

B. Each agricultural loan must be evidenced by a promissory note (the loan note) in the full principal amount of the agricultural loan and such other security as may be required by the lender.

C. The agreement between lender and borrower must require payments sufficient to meet the debt service requirements of the notes (i.e., in principal and interest).

D. Interest rates on agricultural loans shall be fixed and shall not exceed 11.5 percent per annum, unless specific and express approval for a higher percentage interest rate is given by the Authority in the manner described in Section LAC 7:III.557 (C) hereof.

E. Loans may be assumed by a third party, with the prior approval of the lender, if the lender determines that the assignee qualifies as a "borrower" under these rules and regulations, and the assumption agreement evidencing the assumption and a replacement loan letter of credit shall be inserted in the loan file whereupon it shall be deemed a part of the loan file for all purposes thereof.

F. The obligation of each borrower to make loan payments will be secured to the trustee pursuant to a loan letter of credit issued by the loan letter of credit bank in favor of the trustee or in the alternative by a qualified loan repurchase agreement, for the equal and proportionate benefit of the holders of the notes and the credit bank.

G. The borrower must expend the proceeds of loan solely

to finance the project described in the loan application and not for any other purpose.

**§555. Fees Required**

A. The maximum program application fee to be charged by the lender shall be \$0 unless specific and express approval for an increased program application fee is given by the authority in the manner described in LAC:III.557 (C) hereof.

B. The maximum origination points to be charged by the lender shall be zero percent unless specific and express approval for an increase in the maximum origination points is given for the authority in the manner described in LAC 7:III.557 (C) hereof.

C. The maximum fees (including issuance fees, the effective cost of required stock purchases and any other underlying fees) to be charged by the loan letter of credit bank and the lender shall not, collectively, exceed two percent of the aggregate principal amount of the loan note, unless specific and express approval is given by the authority in the manner described in LAC 7:III.557 (C) hereof.

D. The maximum servicing fee to be charged by the lender shall be zero percent, unless specific and express approval for an increase in the maximum servicing fee is given by the authority in the manner described in LAC 7:III.557 (C) hereof.

E. A lender may charge usual and customary closing expenses incurred in connection with the closing of an agricultural loan.

**§557. Program Description; Procedures Required for Funding of Agricultural Loans With Note Proceeds**

A. Borrowers will initially apply for an agricultural loan with a lender and must be approved by the lender. Borrowers must meet all eligibility criteria established by these rules and regulations and by individual lenders for conventional agricultural loans.

B. Lender shall review borrower's application to determine (1) whether borrower qualifies under these rules and regulations; and (2) whether the purpose of the agricultural loans qualifies under these rules and regulations. If lender determines that conditions set forth in (1) and (2) above are satisfied, it shall provide the authority and trustee with written notice of the anticipated closing date no later than 15 days prior to such anticipated closing date and shall notify the authority and trustee immediately in the event a closing date is postponed or cancelled. Simultaneously with providing trustee and the authority of written notice of the closing date, lender shall deliver the loan file to the trustee. Upon review of a loan file, trustee shall confirm the closing date with lender and the authority.

C. Prior to purchase of an agricultural loan by the trustee (as purchase agent) on behalf of the authority, the authority must approve the agricultural loan, with approval maybe given by the chairman of the authority.

D. The purchase price of an agricultural loan shall be the principal amount of such agricultural loan, together with accrued interest thereon, if any. Lender may charge borrower the fees set forth in these rules and regulations, which fees may be paid from proceeds of the agricultural loan. Trustee on behalf of the authority, shall pay lender on the closing date a sum equal to the purchase price of the agricultural loans tendered to the authority under the terms and conditions specified in the agricultural loan purchase agreement. The purchase price may be paid by check, electronic transfer or wire transfer, at the option of the trustee. Lender shall assign its interest in the loan notes to the authority pursuant to the assignment. The assignment shall be recorded by the lender on behalf of the authority in the public records of the proper parish. Lender shall deliver a certified copy of the assignment to the trustee within 30 days of the closing date.

Bob Odom  
Commissioner

**DECLARATION OF EMERGENCY**

**Department of Commerce  
Racing Commission**

Amend Rule LAC 35:1787G

**§1787. Pre-Race Testing**

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 5.0 micrograms Phenylbutazone per milliliter of blood or 5.0 micrograms Oxypenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

Albert M. Stall  
Chairman

**DECLARATION OF EMERGENCY**

**Department of Commerce  
Racing Commission**

Adopt Rule LAC 35:11201

**Chapter 112. Twin Trifecta**

**§11201. Twin Trifecta**

A. No twin trifecta wagering shall be conducted without permission of the commission. The races in which the twin trifecta type pari-mutuel wagering will be permitted shall only be those designated by the commission and a separate pool shall be established therefor.

B. The twin trifecta is a form of pari-mutuel wagering in which the bettor selects the three horses that will finish first, second and third in each of two designated races in the exact order as officially posted.

C. Twin trifecta wagers will be sold at all windows unless the association chooses to use designated windows for the twin trifecta and exchange.

D. Each bettor purchasing twin trifecta tickets shall designate his three selections as the first three horses to finish in that order in the first race of the two designated races.

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of equal amounts.

F. The monies in the first part of the divided pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The second part of the divided pool will be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. In the first half of the twin trifecta only, if no ticket is sold on a winning combination of a trifecta pool, the net pool shall then be distributed to the holders of tickets selecting the first place and second place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first and third place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first place horse. If no ticket is sold as abovementioned, the net pool shall then be distributed to holders of tickets

selecting the second and third place horses. If no ticket is selected as abovementioned, all twin trifecta tickets shall be refunded.

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish or as described in Paragraph H must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

J. No twin trifecta exchange ticket upon the second race shall be issued except upon the surrender of the twin trifecta ticket from the first race as described in these rules. Designated windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at the start of the second race of the twin trifecta races.

K. If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket but forfeits all rights to any distribution of the second race of the twin trifecta pool.

L. If a horse is scratched in the first race of the twin trifecta races, all twin trifecta tickets on the scratched horse will be refunded. If a horse is scratched in the second race of the twin trifecta races, public address announcements will be made and reasonable time will be given for the exchange of tickets on the scratched horse. For the second race of the twin trifecta only, all horses will be considered official starters once the starting gate has opened.

M. In the event of a dead heat(s) in either the first or second race of the twin trifecta, all twin trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position dead heated, shall be winning tickets.

N. In the event there are no twin trifecta tickets issued accurately selecting the officially declared first three finishers of the second twin trifecta race in exact order, such second race pool as divided earlier shall be held for the next consecutive day or night and combined with that programs' second race twin trifecta pool. Distribution of this special cumulative second race twin trifecta pool will be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the second twin trifecta race.

O. However, on the final program of any official race meeting, the entire accumulated second race twin trifecta pool must be distributed. In the event, on the final racing program, no second half twin trifecta ticket accurately selects the officially declared first three finishers in exact order, then all second half twin trifecta tickets on that specific race shall be declared winners and the pool shall be distributed equally among them.

P. In the second half of the twin trifecta race only, if less than three horses finish or if the officials declare the event "no race," then the next consecutive race on that program will be designated as the second half of the twin trifecta. Public address announcements shall be made and reasonable time will be given for ticket exchange.

Q. Sales of the twin trifecta tickets other than from pari-mutuel machines shall be deemed illegal and prohibited.

R. The twin trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, quinella, (regular) trifecta, super six or any other wagering pool.

S. In the event that racing is cancelled for any program prior to the running of the second half of the twin trifecta, the second part of that program's divided pool will be evenly distributed to all holders of second half twin trifecta exchange tickets. The cumulative twin trifecta pool will remain undistributed, and be carried over for use in the next twin trifecta.

Albert M. Stall  
Chairman

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Revised Secondary Summer School Standards

The State Board of Elementary and Secondary Education, at its meeting of March 27, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the revised secondary summer school standards for public schools to be the same as the revised requirements for the secondary nonpublic sector and as follows:

1. Standard 2.116.13, page 110 of Bulletin 741 (Attendance): Delete the Standard as written and insert in lieu thereof the following:

(1) 70 hours for one-half unit new credit;

(2) 47 hours for removal of one-half unit deficiencies. (The local system may impose a stricter minimum attendance policy.)

2. Standard 2.116.15, page 111 of Bulletin 741 (Time Requirements): Delete the Standard as written and insert in lieu thereof of the following:

"Daily time requirements are as follows:

	Length of Summer School Total Hours
New subjects	90
Repeated subjects	60

(Any deviation from the above time allotments must be approved by the State Department of Education.)

This emergency adoption is necessary in order that the local school systems have the policy in place for the beginning of summer school.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

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

The Louisiana State Board of Medical Examiners, pursuant to its rulemaking authority under the Louisiana Medical Practice Act, R.S. 37:1270B(6) and the emergency provisions of the Louisiana Administrative Procedure Act, R.S. 49:953B, has adopted the amendments set forth below to its existing rules and regulations governing the licensing of physicians and surgeons. These amendments affect the requirement for board approval of foreign medical schools and colleges as a condition to eligibility for licensure; the nature of the training programs requisite to unrestricted medical licensure for graduates of foreign medical schools; and the availability of temporary permits relating to programs of a continuing nature for which the Board issues only annual permits. As a result, the board has determined that it is necessary, appropriate and consistent with the provisions of the Administrative Procedure Act to promulgate such amendments as emergency rules so as to give them immediate effect, precluding prejudice to prospective permit holders who might not otherwise have notice of the board's intent to adopt such rules. The board intends to notice

such amendments for adoption as permanent rule amendments in the succeeding publication of the *Louisiana Register*.

Subpart C (Graduates of Foreign Medical Schools) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.07(b) of said Subpart is hereby amended so that as amended said section shall read as follows:

**§3.07 Section of Subpart; Definition.**

\* \* \*

(b) As used in this Subpart the term "foreign medical graduate" or "FMG" means a graduate of a medical school or college not located in any state or in Canada, recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Subsection (a)(4) of Section 3.08 of said Subpart is hereby amended so that as amended said subsection shall read as follows:

**§3.08 Qualifications for License.**

(a) To be eligible for a license, a foreign medical graduate applicant shall:

\* \* \*

(4) have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the Royal College of Physicians and Surgeons of Canada (RCPS), and approved by the board. To be approved by the board such program must be offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME or by the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; and the three years of such a program must be in the same specialty or, alternatively, constitute the FMG, upon completion of such three years program, as eligible for specialty board certification or for postgraduate year four (PG-4) training.

Subsections (a)(5) of Section 3.08 of said Subpart is hereby rescinded.

Subpart D (Board Approval of Medical Schools and Colleges) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.15 of said Subpart is hereby amended so that as amended said section shall read as follows:

**§3.15 Approval of Foreign Medical Schools**

To be approved by the Board, a medical school or college not located in any state or in Canada shall be recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Section 3.16 of said Subpart is hereby rescinded.

Subpart H (Restricted Licensure, Permits) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.37 (Graduate Medical Education Temporary Permit) of said Subpart is hereby rescinded.

Delmar Rorison  
Executive Administrative Assistant

**DECLARATION OF EMERGENCY**

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

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (R.S. 49:953(B)) and the au-

thority granted under R.S. 37:3240 *et. seq.*, the Louisiana State Board of Medical Examiners has adopted the emergency rules set forth below. These rules are adopted to comply with statutory mandates issued in 1984 to develop rules governing the licensing and practice of midwives. The rules have taken longer than anticipated to develop. In order to have the rules become effective at the earliest possible date they have been adopted under emergency procedures. The board intends to notice these rules for adoption in the succeeding issue of the *Louisiana Register* in accordance with the normal administrative process set forth in R.S. 49:953(A).

**Title 46. Occupation and Professions**

**Part XLV. Medical Professions**

**Subpart 2. Licensing and Certification**

**Chapter 23. Licensed Midwife Practitioners**

**Subchapter A. General Provisions**

**§2301. Scope of Chapter**

The rules of this Chapter govern the licensing of midwife practitioners to engage in the practice of midwifery in the State of Louisiana.

**§2303. Definitions**

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

*Applicant*—The term *applicant* means a person who has applied to the board for a license or permit to engage in the practice of midwifery in the State of Louisiana.

*Application*—The term *application* means a written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice midwifery in the State of Louisiana, together with all information, certificates, documents and other materials required by the board to be submitted with such forms.

*Apprentice lay midwife*—The term *apprentice lay midwife* means any person who is granted a permit to obtain the practical experience required to apply for a license.

*Board*—The term *board* means the Louisiana State Board of Medical Examiners.

*Certified nurse midwife*—The term *certified nurse midwife* means a registered nurse licensed to practice in Louisiana who has been certified by the American College of Nurse-Midwives and registered with the Louisiana Board of Nursing pursuant to their regulations.

*Continuing education*—The term *continuing education* means participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction and approved by the Louisiana Board of Medical Examiners for the purpose of meeting requirements for renewal of licensure under these regulations.

*Department*—The term *department* means the Louisiana Department of Health and Human Resources.

*Licensed midwife practitioner*—The term *licensed midwife practitioner* means a person who has completed all the requirements of the board including the prescribed education and experience, has passed the licensing examination, and is licensed to practice midwifery in the State of Louisiana.

*Licensing Midwife Practitioner Advisory Committee*—The term *Licensed Midwife Practitioner Advisory Committee* means a committee of two physicians, two licensed midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners appointed by the board to assist them in implementing the provisions of the Midwife Practitioners Act and these regulations.

*Midwife*—The term *midwife* means a person who gives care and advice to a women during pregnancy, labor and the postnatal

period and who is capable of conducting vaginal deliveries in uncomplicated pregnancies on her own.

**Midwifery instructor**—The term *midwifery instructor* means a physician or certified nurse-midwife under the supervision of a physician who has a formal training and supervisory relationship with an apprentice lay midwife.

**Physician**—The term *physician* means a person licensed to practice medicine in the State of Louisiana who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a JCAH accredited hospital.

**Practice of midwifery**—The term *practice of midwifery* shall mean holding oneself out to the public as being engaged in the business of attending, assisting or advising a woman during the various phases of the interconceptional and childbearing periods with the supervision of a physician who is actively engaged in a clinical practice of obstetrics and has hospital privileges in obstetrics in a JCAH accredited hospital.

**Supervision of a physician**—The term *supervision of a physician* shall mean that the client shall be seen by a physician for physical examination at least once during the first or second trimester of pregnancy and again at least once within the last four weeks of pregnancy.

## **Subchapter B. Qualifications for License**

### **§2305. Scope of Subchapter**

The rules of this Subchapter govern the licensing of midwives who in order to become licensed midwife practitioners must meet all of the criteria listed in this Subchapter.

### **§2307. Qualifications for License**

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

1. be at least 21 years of age and shall have graduated from high school;
2. be a citizen of the United States and a resident of the State of Louisiana;
3. be currently certified in advanced cardiac life support (ACLS) technique;
4. have completed one college-level course (at least 3 semester hours) in an accredited college or university in each of the following subjects: human anatomy, human physiology, biology, micro-biology, psychology and nutrition;
5. have completed all of the requirements for a course of study in the theory of pregnancy and childbirth listed in §2355;
6. have met, within three years prior to the time of application, the following requirements for practical experience:
  - a. 100 prenatal visits on at least 25 different women;
  - b. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
  - c. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
  - d. 25 newborn examinations;
  - e. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
  - f. five repairs of lacerations in addition to any practice on nonhuman subjects;
  - g. five observations of in-hospital births involving high risk obstetric care;
  - h. observation of one complete series of at least six prepared childbirth classes offered by an approved provider;
7. have demonstrated professional competence in the practice of midwifery by passing a written examination administered by the board.

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

qualifications in the manner prescribed by, and to the satisfaction of, the board.

C. Licensure as a licensed midwife practitioner shall be accomplished only through adherence to the requirements of this Subchapter; there is no reciprocity with other jurisdictions.

### **§2309. Procedural Requirements**

In addition to the substantive qualifications specified in §2307, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§2311 to 2315 of this Chapter and the procedures and requirements for examination administered by the board provided by §§2319 to 2333 of this Chapter.

## **Subchapter C. Application**

### **§2311. Purpose and Scope**

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as a licensed midwife practitioner in the State of Louisiana.

### **§2313. Application Procedure**

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

B. An initial application must be received by the board on or before March 31 if the applicant desires to sit for the June administration of the comprehensive examination, or on or before August 31 if the applicant desires to sit for the December administration. Completed applications must be received by the board on or before April 30 or October 31 respectively, in order for an applicant to be eligible to sit for the June or December administration of the comprehensive examination.

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

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

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

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

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

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

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

### **§2315. Effect of Application**

A. The submission of an application for licensing to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant

has applied for license, permit, certificate or registration, each physician or certified nurse-midwife who has supervised the applicant's clinical experience, each person, firm, corporation, trainer, education service or institution from whom the applicant has received instruction in the theory of pregnancy and childbirth, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership to disclose and release to the board any and all information and documentation concerning the application which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

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

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to Subsections A or B of this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the midwife licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Human Resources; and federal, state, county or parish and municipal health and law enforcement agencies.

#### **Subchapter D. Examination**

##### **§2317. Scope of Examination**

The examination pursuant to R.S. 37:3244C(4) shall be administered by the board in two parts. After the applicant completes the instruction in the basic sciences and before an apprentice permit may be obtained, a test covering the basic sciences must be successfully passed. After clinical instruction in lay midwifery and completion of the course in the theory of pregnancy and childbirth, the applicant must successfully pass a comprehensive examination comparable to that administered by other states which license the practice of midwifery and designed to test knowledge of theory regarding pregnancy and childbirth and to test practical judgment in midwifery care management.

##### **§2319. Eligibility for Examination**

To be eligible for the basic sciences examination, an applicant must provide the board documented evidence of the items required in §2339.B.1 through B.4

To be eligible for comprehensive examination by the board, an applicant shall possess all qualifications for licensure prescribed by §2307A and present evidence satisfactory to the board that the applicant possesses the technical skills essential to the practice of midwifery. Satisfactory evidence shall include verification by the physician or certified nurse-midwife who supervised the applicant's clinical experience that the applicant has evidenced the skills essential to the practice of midwifery during her apprenticeship.

##### **§2321. Dates, Places of Examination**

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

##### **§2323. Administration of Examination**

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

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or any assistant proctor.

##### **§2325. Subversion of Examination Process**

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §2329 of this Subchapter.

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

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



10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

#### **§2327. Finding of Subversion**

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

B. In the event of suspected conduct described by §2325.B.5 or 6, the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by §2329 of this Subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

#### **§2329. Sanctions for Subversion of Examination**

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for permit to be an apprentice or for licensure as a licensed midwife practitioner in the State of Louisiana.

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

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

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

#### **§2331. Passing Score**

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

#### **§2333. Restriction, Limitation on Examinations**

A. A passing score must be attained by an applicant upon completion of all sections of the examination taken during a single administration of the entire examination. An applicant who fails the examination but who meets all other requirements may retake the examination three times.

B. An applicant having failed to attain a passing score upon

taking the examination three times shall not be considered for permit or licensure and shall not be eligible to take the examination again.

#### **§2335. Lost, Stolen or Destroyed Examinations**

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

B. In the event that one or more of the sections of the examination taken by an applicant are lost, stolen or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the board to sit for and take such sections at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains on such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's score which shall be accepted by the board notwithstanding §2333.A of this Subchapter.

#### **Subchapter E. Restricted Licensure, Apprentice Permits** **§2337. Restricted Licensure in General**

A. With respect to applicants who do not meet or possess the practical experience requirements necessary for licensure, the board shall issue an apprentice permit which would authorize the applicant to obtain, under supervision, the required practical experience.

B. Receipt of an apprentice permit shall not be construed to provide any right or entitlement whatsoever to licensure as a licensed midwife practitioner or to engage in the practice of midwifery.

#### **§2339. Apprentice Permit**

A. An apprentice permit authorizes the applicant to obtain the practical experience required for licensure under the supervision of a physician or a certified nurse-midwife under supervision of a physician.

B. The permit will be issued only to persons who provide documented evidence of:

1. completion of the required basic sciences courses;
2. a high school diploma;
3. verification of the apprentice/supervisor relationship from the person or persons supervising the applicant;
4. current certification in advanced cardiac life support (ACLS) technique;
5. successful passage of the basic sciences examination.

C. The permit is valid only so long as the verified relationship exists. The apprentice permit is valid for a period of one year from the date of issuance and may be renewed at the discretion of the board.

D. The apprentice permit shall be issued by the board within 15 days following the meeting of the board next following the date on which all of the requisite documented evidence, including the score on the basic sciences examination, is received by the board.

#### **Subchapter F. License Issuance, Termination, Renewal, Reinstatement**

#### **§2341. Issuance of License**

A. If the qualifications, requirements and procedures prescribed or incorporated by §§2307 to 2309 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of midwifery in the State of Louisiana.

B. A license issued under §2307 of this Chapter shall be

issued by the board within 30 days following the reporting of the applicant's score on the examination.

#### **§2343. Expiration of Licenses and Permits**

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

B. The timely submission of an application for renewal of a license, or a permit, as provided by §2345 of this Chapter, shall operate to continue the expiring license or permit in full force and effect pending issuance of the renewal license or permit.

#### **§2345. Renewal of License**

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

B. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter on or before the first day of December of each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

C. Any person who files for renewal of licensure shall present a current advance cardiac life support (ACLS) certification and shall be required to show proof of completion of ten hours of continuing education as approved by the board.

#### **§2347. Revocation of License**

Any license not renewed on or before January 1 of each year shall be revoked within 30 days of expiration following written notification by certified mail.

#### **§2349. Reinstatement of License**

A. A license which has been revoked may be reinstated upon application for reinstatement on forms supplied by the board.

B. Any person who files for licensure or reinstatement after January 1 and before February 1 of the same year shall be required to pay a late fee of \$50 in addition to the applicable renewal fee.

C. Any person who has not filed for renewal or reinstatement of licensure by February 1 shall be required to retake and pass the examination and pay the examination fee before license is reinstated.

### **Subchapter G. Education**

#### **§2351. Course of Study**

Every applicant seeking licensure must successfully complete a course of didactic study, which includes instruction on the basic sciences and a course on the theory of pregnancy and childbirth, in clinical instructions in lay midwifery.

#### **§2353. Basic Sciences**

Every applicant seeking licensure must successfully complete one college-level course of at least 3 semester hours in each of the following basic sciences: human anatomy, human physiology, biology, micro-biology, psychology and nutrition.

#### **§2355. Theory of Pregnancy and Childbirth**

A. The board shall, on the advice of the Licensed Midwife Practitioner Advisory Committee, periodically maintain and periodically revise a list of approved courses, texts and trainers covering the subject matters which shall comprise a course of study in the theory of pregnancy and childbirth. The board may use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any required subject matter. All or part of the course may be obtained through self-study.

B. A course of study and theory of pregnancy and childbirth must include the following: basic aseptic techniques, basic

observation skills, basic prenatal nutrition, basic parental education for prepared childbirth, provision of care during the antepartum, intrapartum, postpartum and newborn periods, management of birth and immediate care of the mother and the newborn in out-of-hospital settings, recognition of early signs of possible abnormalities, recognition and management of emergency situations, special requirements of out-of-hospital births, obstetrical pharmacology and medicolegal aspects of midwifery.

#### **§2357. Clinical Experience**

A. Clinical experience in midwifery is required for every applicant for licensure. Clinical experience may be obtained in any setting (i.e., office, clinic, hospital, maternity center, home, etc.). Clinical experience shall include instruction on basic nursing skills, including but not limited to vital signs, perineal prep, enema, urethral catheterization, aseptic techniques, administration of medication both orally and by injection, local infiltration for anesthesia, administration of intravenous fluids, venipuncture, infant and adult resuscitation, fetal heart tones, edema, routine urinalysis, and cutting and repair of episiotomy.

B. Clinical experience, shall, also, include care of women in the antipartum, intrapartum, and postpartum periods. Clinical practice must include at least the following types of numbers of experiences (with out-of-hospital births making up at least one-half of the clinical experience):

1. 100 prenatal visits on at least 25 different women;
2. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
3. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
4. 25 newborn examinations;
5. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
6. five repairs of lacerations in addition to any practice on non-human subjects;
7. five observations of in-house births involving high-risk obstetric care;
8. observation of one complete series of at least 6 prepared childbirth classes offered by an approved provider.

#### **§2359. Supervision of Clinical Experience**

Apprentice licensed midwife practitioners must obtain their clinical experience under the supervision of a physician or a certified nurse-midwife under the supervision of a physician. This must be direct, present in the same room supervision.

#### **§2361. Continuing Education**

A. In each registration period, ten contract hours of continuing education must be obtained. Suitable topics include midwifery management in the antipartum, intrapartum, postpartum and newborn periods, risk assessment, early recognition of potential problems; midwifery management of emergency situations; ethics, legal aspect of practice.

B. Continuing education may be obtained through organized courses, conferences, area midwife meetings, or other mechanism as approved by the board.

C. In any calendar year, the board may require specific topics of continuing education based upon any problem areas indicated by licensed midwives practitioners' reports.

### **Subchapter H. Licensed Midwife Practitioner Advisory Committee**

#### **§2363. Advisory Committee**

A. The board shall appoint a Licensed Midwife Practitioner Advisory Committee which will assist in the development, practice and problems in midwifery, and will assist the board's staff in the development of examinations.

B. The Licensed Midwife Practitioner Advisory Committee will be composed of 6 members, all of whom should preferably

have out-of-hospital birth experience: two physicians who actively engage in perinatal care, two practicing midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners.

C. The Licensed Midwife Practitioners Advisory Committee will meet at least annually to evaluate the practice of midwifery.

### **Subchapter I. Prohibitions and Revocation of License**

#### **§2365. Unlawful Practice**

No person shall use in connection with his name or place of business the words "licensed midwife practitioner," the initials "LMP" or any other words, letters or insignia indicating or implying that he or she is a licensed professional midwife practitioner or represent himself or herself as such in any way orally, in writing, in print or by sign directly or by implication unless he or she has been licensed as such under the provisions of these regulations.

#### **§2367. Revocation of License**

A. The board may refuse to issue, suspend for a definite period or revoke a license for any of the following causes:

1. dereliction of any duty imposed by law;
2. incompetence as determined by local midwifery standards;
3. conviction of a felony;
4. practicing while suffering from a communicable disease, as defined in the Louisiana Sanitary Code, Chapter II, Section 2:0001, which may be spread to a pregnant woman or to her newborn child during delivery or after birth;
5. practicing under a false name or alias;
6. violation of any of the standards of practice set forth herein;
7. obtaining any fee by fraud or misrepresentation;
8. knowingly employing, supervising or permitting, directly or indirectly, any person or persons not an apprentice or licensed midwife to perform any work covered by these regulations;
9. using or causing or promoting the use of any advertising matter, promotional literature, testimonial or any other representation, however disseminated or published, which is misleading or untruthful;
10. representing that the service or advice of a person licensed to practice medicine will be used or made available when that is not true or using the words "doctor," or similar words, abbreviations or symbols so as to connote the medical profession, when such is not the case;
11. permitting another to use the license;
12. delinquency in submission of application and supporting documents for license renewal of 30 days or more;
13. obtaining licensure by means of fraud, misrepresentation or concealment of material facts;
14. guilty of fraud or deceit in connection with services rendered;
15. violating any lawful order, rule or regulation rendered or adopted by the board.

#### **§2369. Penalties**

A. Whoever violates §2365 shall be fined not less than \$100 nor more than \$500, or imprisoned for not less than 30 days or both.

B. If a person licensed to practice midwifery under the provisions of these regulations is found guilty of violating any provisions of these regulations, the board may fine the practitioner a sum of not more than \$1,000 and may suspend or revoke the license of the midwife practitioner.

C. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of these regulations. In a suit for injunction, the

court may issue a fine of not less than \$100 against any person found in violation of the provisions of these regulations plus court costs and attorney's fees.

#### **§2371. Hearing**

Any person who is disciplined or denied a license or has a license suspended or revoked or is otherwise penalized under these regulations will be notified in writing and afforded the opportunity of a hearing conducted pursuant to the Louisiana Administrative Procedure Act.

#### **§2373. Persons not Affected**

Any person authorized by the Louisiana State Board of Nursing to practice as a certified nurse-midwife in the state shall not be affected by the provisions of these regulations.

### **Subpart 3. Practice**

## **Chapter 53. Lay Midwives**

### **Subchapter A. Standards of Practice**

#### **§5301. Scope of Practice**

Licensed midwife practitioners may provide care only to low risk clients determined by physician evaluation and examination to be prospectively normal for pregnancy and childbirth, and at low risk for the development of medical complications. Licensed midwife practitioners shall provide such care with the supervision of a physician who is actively engaged in the practice of obstetrics.

#### **§5303. Skills**

All midwives shall have the skills necessary for safe practice, including the ability to assess, monitor, on an ongoing basis, and manage normal antipartum, intrapartum and postpartum situations; perform newborn evaluations; identify and assess maternal, fetal and infant deviations from normal; provide effective lifesaving measures, including CPR; manage emergency situations appropriately; establish and maintain aseptic techniques and master basic observational skills, and those special observational skills required for out-of-hospital deliveries.

#### **§5305. Community Resources**

The licensed midwife practitioner must be familiar with community resources for pregnant women such as prenatal classes, the parish health unit and supplemental food programs. The client shall be referred to such resources as appropriate and encouraged to take a prepared childbirth, preferably one oriented toward home birth.

#### **§5307. Appropriate Equipment**

All licensed midwife practitioners shall have available, for their immediate use, appropriate birthing equipment, including equipment to assess maternal, fetal and newborn well-being, maintenance aseptic technique, perform emergency maternal or infant resuscitation, and accomplish all permitted emergency procedures. All equipment used in the practice of midwifery shall be maintained in an aseptically clean manner, and be in good working order.

#### **§5309. Screening**

All midwives will use risk factor assessments of their clients in order to establish their initial and continuing eligibility for midwifery services. Clients will be informed of their risk status. All midwives have the right and responsibility to refuse or discontinue services to clients based on these risk factors and to make appropriate referrals when indicated for the protection of the mother and baby. All final decisions on risk factors will be made by the midwife and the client's backup physician.

#### **§5311. Medical Evaluation**

The licensed midwife practitioner must require that the client have a physical examination by a physician and be found to be essentially normal or at low risk before her care can be assumed.

#### **§5313. Required Tests**

Initial physician examination shall include clinical pelvimetry, and the following laboratory tests—GC screen, blood group

and Rh, hematocrit, or hemoglobin, rubella titer, and urinalysis. Hematocrit or hemoglobin must be rechecked at 28 and 36 weeks gestation. The midwife must insure that all women she plans to deliver receive the required tests. Additionally, if no objection is made to the taking of a VDRL test, the physician shall include such test in his examination. The midwife must ensure that the VDRL test was offered to the client.

#### **§5315. Acceptance of Clients**

A. Prior to the acceptance of a client for care, a licensed midwife practitioner shall inform the client orally and in writing that:

1. Certain risks and benefits exist for home birth and certain risks and benefits exist for other childbirth alternatives, (including hospital, physician-assisted birth). The midwife is responsible for informing the client of the risks and benefits of all childbirth options to insure informed consent.

2. Regular antipartum care is required if the midwife is to attend the birth.

3. Certain medical conditions may preclude midwife attendance at birth or continued midwife care during any phase of the pregnancy. The client must make arrangements for the services of a backup physician who is located within a 50 mile radius of the client's home and the plan delivery site.

4. The midwife will develop a plan for obtaining consultation and/or backup from the client's backup physician, and will consult with the client's backup physician or transfer their clients when necessary.

5. Emergency transport may be required in certain situations, when situations warrant emergency transport and the hazards involved.

6. Anyone seeking a home birth must give the licensed midwife practitioner a specific consent for home birth prior to the onset of labor.

7. The midwife agrees to provide a copy of the labor, birth and newborn record to the client.

8. The midwife's agreement can be terminated at any time that she deems it necessary for maintenance of the client's mental and physical safety. When termination occurs, the reason for termination will be given in writing and an alternative source of care indicated.

B. Prior to accepting care for a client, the midwife shall consult with a physician who performed the medical evaluation to ensure that the client is at low or normal risk for pregnancy.

C. After accepting care, the midwife shall obtain a detailed obstetric and medical history of the client, including the results of all tests conducted during the medical evaluation.

#### **§5317. Prenatal Visits**

Prenatal visits should be every 4 weeks until 28 weeks gestation, every 2 weeks from 28 until 35 weeks gestation and weekly from 36 until delivery.

#### **§5319. Physician Visit**

Each client must be evaluated by a supervision physician at or near the 36th week. The purpose of this visit is to insure that the client has no potentially serious medical conditions and has no medical contradictions for delivery by a licensed midwife practitioner or for home birth.

#### **§5321. Advance Preparation for Need**

The licensed midwife practitioner, prior to the onset of labor, must make arrangements for the transport of mother and infant to a hospital and know the client's arrangements for a backup physician and hospitalization should these needs arise.

#### **§5323. Hospitalization**

The licensed midwife practitioner shall accompany to the hospital any mother or infant requiring hospitalization, giving any pertinent written records and verbal report to the physician assuming care. If possible, she should remain with the mother and/

or infant to ascertain outcome. In those instances where it is necessary to continue providing necessary care to the party remaining in the home, the midwife may turn over the care of the transport of mother or child to qualified emergency or hospital personnel. All necessary written records shall be forwarded with such personnel and a verbal report must be given.

#### **§5325. Home Visit**

For home birth, the licensed midwife practitioner will make a home visit 3-5 weeks prior to the expected date of confinement EDC to assess the physical environment, including the availability of telephone and transportation, to ascertain whether the woman has all the necessary supplies, to prepare the family for the birth, and to instruct the family to correct problems and/or deficiencies.

#### **§5327. Normal Delivery**

The licensed midwife practitioner shall remain with the mother and infant for at least two hours postpartum, or until the mother's condition is stable and the infant's condition is stable, whichever is longer. Maternal stability is evidenced by normal blood pressure, normal pulse, normal respirations, firm fundus and normal lochia. Infant stability is evidenced by established respirations, normal temperature, and strong sucking.

#### **§5329. Examination and Labor**

The licensed midwife practitioner will not perform any vaginal examinations on a woman with ruptured membranes and no labor, other than an initial examination to be certain that there is no prolapsed cord. Once active labor is assured in progress, exams may be made as necessary.

#### **§5331. Operative Procedures**

The licensed midwife practitioner will not perform, routinely, an operative procedure other than: artificial rupture of membranes when the head is well engaged or at zero station, clamping and cutting the umbilical cord, repair of first or second degree perineal lacerations or repair of episiotomy, if done.

#### **§5333. Medications**

A. A midwife licensed under Chapter 23 shall administer an eye prophylaxis to prevent infant blindness which is authorized by the department and may administer the following medications under the conditions indicated:

1. oxygen for fetal distress, infant resuscitation;

2. local anesthetic, by infiltration, only for the purpose of postpartum repair of tears, lacerations or episiotomy (no controlled substances);

3. Vitamin K, by injection, for control of bleeding in the newborn;

4. Oxytocin (pitocin) by injection or orally, only for postpartum control of maternal hemorrhage;

5. intravenous fluids (Ringer's Lactate with or without D5W, normosol-R with or without D5W) with no additional medications added.

B. A midwife licensed under these regulations may lawfully have possession of small quantities of the above-named medications and the equipment normally required for administration. Each use of medication shall be reported in the midwife's client charts, and shall be summarized in a semi-annual report provided to the board.

#### **§5335. Collection of Presentation**

The licensed midwife practitioner will not attempt to correct fetal presentations by external or internal version nor will the midwife use any artificial, forcible or mechanical means to assist the birth.

#### **§5337. Emergency Measures**

A. The following measures are permissible in an emergency situation:

1. cardiopulmonary-resuscitation;

2. episiotomy;

3. intramuscular administration of pitocin for the control of postpartum hemorrhage in accord with the prescription or a standing order from a physician.

B. When any of the above measures are utilized, a special report must be filed within 10 days with the board describing in detail the emergency situation, the measure taken and the outcome.

C. Any client upon whom an emergency measure is taken must immediately be examined by the backup physician.

#### **§5339. Prevention of Infant Blindness**

Within one hour of birth, the licensed midwife practitioner shall administer two drops of 1 percent solution of silver nitrate or other agent of equal effectiveness and harmlessness into the eyes of the infant in accordance with all of the State of Louisiana's regulations governing the prevention of infant blindness.

#### **§5341. Birth Registration**

The licensed midwife practitioner must complete a birth certificate and file it with the registrar within 5 days of the birth.

#### **§5343. Physician Evaluation of Newborn**

The licensed midwife practitioner must recommend that any infant delivered by the midwife be evaluated by a physician within 3 days of age or sooner if it becomes apparent that the newborn needs medical attention for problems of, but not limited to, congenital anomalies.

#### **§5345. Postpartum Visits**

The licensed midwife practitioner shall make postpartum visits to evaluate the condition of mother and infant at least twice—once within 36 hours of birth, and once on the 4th or 5th postpartum day.

#### **§5347. Record Keeping and Report Requirements**

A. All midwives shall keep accurate and complete records of all care provided and data gathered for each client. Licensed midwife practitioners will semi-annually submit a summary report in a form prescribed by the board of the statistics of each birth attended. This report must be submitted within the months of January and July of each year. Midwives shall provide all other reports as required and mandated by the board.

B. The midwife shall maintain an individual client chart for each woman under her care. The chart shall include results of laboratory tests, observations from each prenatal visit, records of consultations with physicians or other health care providers, and a postpartum report concerning labor, delivery and condition of the newborn child. The chart shall be made available to the client upon request, and with the client's consent, to any physician or health care provider who is called in as a consultant or backup. This chart shall be kept on standard obstetric forms, or other forms approved by the board. Inactive records shall be maintained no less than 10 years. All records are subject to review by the board.

C. Evidence of the required medical evaluation and physician visits shall be maintained in the client's records.

D. The attending midwife shall prepare a summary of labor, delivery and assessment of the newborn, using the Hollister form, or an alternate form containing substantially similar information. One copy of each summary shall be retained with the client's chart and one copy transmitted to the pediatrician or family doctor.

E. Copies of the disclosure and consent forms required by §5315 and of the report required by §5337 shall be maintained in the records.

F. The attending midwife shall make a timely report of the birth incidents to the registrar.

G. In addition to the reports required for birth and death registration, the lay-midwife must report within 48 hours to the board any fetal, neonatal or maternal mortality in clients for whom she has cared.

#### **§5349. Statistics**

The board shall review all reports from licensed midwife practitioners, complete annual midwifery statistics and make them available to all interested groups or persons.

#### **Subchapter B. Phases of Maternity Care**

##### **§5351. Scope of Subchapter**

The rules of the Subchapter, and the care that is required of the licensed midwife practitioner to address the specific needs of the client during the various phases of the interconceptional and child bearing period.

##### **§5353. Initiation of Physical Care**

At the visit when physical care of the client is initiated, the licensed midwife practitioner shall review the results of the medical evaluation to insure that the client has received a general physical examination which included the taking of a comprehensive medical, obstetrical and nutritional history sufficient to identify potentially dangerous conditions that might preclude midwife care. The midwife must insure that the following examinations have been completed for each client: a pelvic examination to size the uterus, aspeculum examination, blood pressure, routine bloodwork (CBC with differential, rubella titer, VDRL, hematocrit or hemoglobin, Rh, and antibody screening) Pap smear, height, weight and urine testing for glucose and protein. After conducting these examinations or reviewing their results, the midwife shall make an initial nutritional assessment, counsel the clients as to the nutritional needs of mother and fetus during pregnancy, and develop a comprehensive plan of care for the client which identifies all problems and need for consultation and establishes realistic health care goals.

##### **§5355. Routine Antepartum Care**

A. At each prenatal visit, the midwife will check the client's weight, blood pressure, fundal height, urinalysis (protein and glucose) and general health including checking for pain, bleeding, headaches, edema, dizziness and other symptoms of preeclampsia. The midwife shall monitor uterine measurements, fetal heart tones and fetal activity and shall obtain a medical and nutritional history since the last visit. The midwife shall conduct or arrange for additional laboratory tests as indicated, including Rh antibody screening, blood sugar screening, gonorrhea culture and periodic hematocrit or hemoglobin screening.

B. A record of fetal heart rate and rhythm shall be made at least every 30 minutes during first stage, after each contraction in second stage and after rupture of membranes. The duration, interval and intensity of uterine contraction and material blood pressure shall be recorded at least every hour and immediately after delivery.

C. During labor and delivery, the attending midwife is responsible for monitoring the condition of mother and fetus; assisting with the delivery; coaching labor, repairing minor tears as necessary; examining and assessing the newborn; inspecting the placenta, membranes, and cord vessel; inspecting the cervix and upper vaginal vault, if indicated, and managing any third-stage material bleeding.

##### **§5359. Routine Postpartum Care**

A. The licensed midwife practitioner shall remain in attendance for at least 2 hours after the delivery.

B. Immediately following delivery of the placenta the midwife must determine that the uterus is firmly contracted without excessive bleeding. The uterus should be massaged firmly to stimulate contraction if relaxation is noted.

C. In case of an unsensitized Rh negative mother, the midwife shall obtain a sample of cord blood from the placenta and arrange for testing within 24 hours of the birth and insure referral to back-up physician so that the mother receives Rh immunoglobulin as indicated within 72 hours of delivery.

D. The midwife shall provide the client with information

concerning routine postpartum care of the mother and infant, including information on breastfeeding, care of navel and perineal care.

E. The midwife shall recommend that the parents immediately contact the pediatrician or family doctor who will be assuming care for the infant to arrange for a neonatal examination. The midwife shall provide the doctor with her written summary of labor, delivery and assessment of the newborn and shall be available to consult with the doctor concerning the infant's condition.

F. The midwife shall make postpartum visits at least twice—once within 36 hours of birth and once on the fourth or fifth postpartum day. The purpose of these visits is to ascertain that the infant is alert, has good color, is breathing well and is establishing a health pattern of waking, feeding and sleeping and that the mother is not bleeding excessively, has a firm fundus, does not have a fever or other signs of infection, is voiding properly and is establishing successful breastfeeding. In the event that any complications arise, the midwife shall consult with a physician or other appropriate health care provider or shall insure that the client contacts her own physician.

G. The midwife may conduct a postpartum office visit not later than six weeks postpartum, to include a recommendation for rubella vaccine if indicated, counseling concerning contraception and answering any other questions that have arisen. Alternatively, the client may be referred back to her primary care physician or other health care provider for this care.

H. The midwife shall encourage the mother to have a postpartum evaluation conducted by a physician within 2 to 6 weeks after delivery.

#### **§5361. Required Newborn Care**

A. The licensed midwife practitioner shall be responsible for care immediately following the delivery only. Subsequent infant care should be managed by a physician or a physician/registered nurse team. This does not preclude the midwife from providing counseling regarding routine newborn care and breastfeeding and arranging for the neonatal tests required by state law. If any abnormality is suspected, the newborn must be sent for medical evaluation as soon as possible.

B. Immediately following delivery the midwife shall:

1. wipe face, then suction (with bulb syringe) mouth and nose if necessary;
2. prevent heat loss by the neonate;
3. determine Apgar scores at 1 and 5 minutes after delivery;
4. observe and record: skin color and tone, heart rate and rhythm, respiration rate and character, estimated gestational age (premature, term or post-mature), weight, length and head circumference.

C. The midwife shall insure that a medically acceptable drug for eye prophylaxis is available at the time of delivery and take appropriate measures designed to prevent infant blindness.

D. The midwife is responsible for insuring and documenting that a PKU test and all other neonatal tests required by state law are performed on the infant between 24 hours and no later than 14 days after birth. If any of the tests are positive, the midwife shall notify the department. If the parents object to such tests being performed on the infant, the midwife shall document this objection.

E. The midwife shall leave clear instructions for follow-up care including signs and symptoms of conditions that require medical evaluation.

#### **Subchapter C. Risk Factors**

##### **§5363. Unapproved Practice**

A. The licensed midwife practitioner shall provide care only to clients determined to be at low or normal risk of developing

complications during pregnancy and child birth by a supervising physician.

B. The midwife shall not knowingly accept responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous Cesarean section or other known uterine surgery such as hysterotomy or myomectomy;
2. has a history of difficult to control hemorrhage with previous deliveries;
3. has a history of thrombophlebitis or pulmonary embolism;
4. has diabetes, hypertension, Rh disease with positive titer, active tuberculosis, active syphilis, active gonorrhea, epilepsy, hepatitis, heart disease, kidney disease or blood dyscrasia;
5. contracts genital herpes simplex in the first trimester or has active genital herpes in the last four weeks of pregnancy;
6. has a contracted pelvis;
7. has severe psychiatric illness or a history of severe psychiatric illness in the 6 month period prior to pregnancy;
8. is addicted to narcotics or other drugs;
9. ingests more than 2 ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;
10. smokes 20 cigarettes or more, per day, and is not likely to cease in pregnancy;
11. has a multiple gestation;
12. has a fetus of less than 27 weeks gestation at the onset of labor;
13. has a gestation beyond 41  $\frac{4}{7}$  weeks by dates and examination;
14. has a fetus in any presentation other than vertex at the onset of labor;
15. is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor;
16. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;
17. has preeclampsia;
18. has a parity greater than 5;
19. is younger than 16 or a primipara older than 40.

##### **§5365. Required Physician Consultation**

A. The midwife shall obtain medical consultation or refer for medical care any woman who during the antepartum period:

1. develops edema of the face and hands;
2. develops severe, persistent headaches, epigastric pain or visual disturbances;
3. develops a blood pressure of 180/90 on an increase of 30mm Hg systolic or 15mm Hg diastolic even normal blood pressure;
4. does not gain 14 pounds by 30 weeks gestation or at least 4 pounds a month in the last trimester or gains more than 6 pounds in two weeks in any trimester;
5. develops glucosuria or proteinuria;
6. has symptoms of vaginitis;
7. has symptoms of urinary tract infection;
8. has vaginal bleeding before onset of labor;
9. has rupture of membranes prior to 37 weeks gestation;
10. has marked decrease in or cessation of fetal movement;
11. has inappropriate gestational size;
12. has demonstrated anemia by blood test (hematocrit less than 30 percent);
13. has a fever of 100.4 degrees F or 38 degrees C for 24 hours;
14. has effacement and/or dilation of the cervix prior to 36 weeks gestation;
15. has polyhydramnios or oligohydramnios;

16. has excessive vomiting or continued vomiting after 24 weeks gestation;
17. is found to be Rh negative;
18. has severe, protruding varicose veins of extremities or vulva;
19. has known structural abnormalities of the reproductive tract;
20. has a history of 2 or more stillbirths from any cause or of stillbirth where cause was unpreventable;
21. has an abnormal Pap smear;
22. reaches a gestation of 41 4/7 weeks by dates and examination.

B. The midwife shall obtain medical consultation or refer for medical care any woman who during the intrapartum period:

1. develops a blood pressure of 140/90 or an increase of 30 mm Hg systolic or 15 mm Hg diastolic over her normal blood pressure;
2. develops severe headache, epigastric pain or visual disturbance;
3. develops proteinuria;
4. develops a fever over 100.4 degrees F or 38 degrees C;
5. develops respiratory distress;
6. has persistent or recurrent fetal heart tones below 100 or above 160 beats per minute between or during contractions, or a fetal heart rate that is irregular;
7. has ruptured membranes without onset of labor after 12 hours;
8. has bleeding prior to delivery;
9. has meconium stained amniotic fluid with abnormal fetal heart tones;
10. has a presenting part other than vertex;
11. does not progress in effacement, dilation or station after 2 hours in active labor (or 1 hour if distance to hospital is greater than 1 hour);
12. does not show continued progress to deliver after 2 hours of second stage labor (or 1 hour if distance to hospital is greater than 1 hour);
13. does not deliver the placenta within 1 hour if there is no bleeding and the fundus is firm (or 30 minutes, if distance to hospital is greater than 1 hour);
14. has a partially separated placenta with bleeding or with a blood pressure below 100 systolic or with a pulse rate over 100 beats per minute or who is weak and dizzy;
15. bleeds more than 500 cc (2 cups) with or after the delivery of the placenta;
16. has retained placental fragments or membranes;
17. desires medical consultation or transfer.

C. The midwife shall obtain medical consultation or refer for medical care any woman who during the postpartum period:

1. has a third or fourth degree laceration;
2. has uterine atony;
3. bleeds in an amount greater than normal lochial flow;
4. does not void within 6 hours of birth;
5. develops a fever greater than 100.4 degrees F or 38 degrees C on any 2 of the first 10 days postpartum excluding the first 24 hours;
6. develops foul smelling lochia;
7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin and/or weak pulse.

D. The midwife shall obtain medical consultation or refer for medical care any infant who:

1. has an apgar score of 7 or less at 5 minutes;
2. has any obvious anomaly;
3. develops grunting respirations, retractions or cyanosis;
4. has cardiac irregularities;

5. has a pale, cyanotic or grey color;
6. develops jaundice within 48 hours of birth;
7. has an abnormal cry;
8. weighs less than 5 pounds or 2500 grams or weighs more than 9 pounds or 4100 grams;
9. shows signs of prematurity, dysmaturity or postmaturity;
10. has meconium staining;
11. does not urinate or pass meconium in the first 12 hours after birth;
12. is lethargic or does not feed well;
13. has edema;
14. appears week or flaccid, has abnormal feces or appears not to be normal in any other respect.

Delmar Rorison  
Executive Administrative Assistant

### DECLARATION OF EMERGENCY

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

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

#### Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Volume 51, Number 37, Tuesday, February 25, 1986, pgs. 6511-6514.

It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a March 27, 1986 implementation date.

#### Emergency Rulemaking

Effective March 27, 1986, if the cost of producing self-employment income exceeds the income derived from self-employment as a farmer, such losses will be offset against other countable income in a household. To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1000 or more from the farming enterprise. The same base that is used to determine income from self-employed farm operations shall be used to determine any net loss. Losses should be prorated over the year in a manner comparable to that used to prorate farm self-employment income.

Also effective March 27, 1986, residents of publicly operated community mental health centers which provide the same type of residential programs for alcoholic or drug rehabilitation as private, non-profit institutions will be considered an individual household and, if eligible, may participate in the Food Stamp Program.

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

### DECLARATION OF EMERGENCY

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

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

#### Summary

The Food Stamp Program requested a waiver of 7 CFR 273.21(f)(2) to allow annualization of interest income for retroactively budgeted monthly reporting households. The United

States Department of Agriculture (USDA) approved the waiver for one year.

The waiver was requested to simplify budgeting procedures and to make it consistent with prospective budgeting procedures which are used in the majority of the caseload. This waiver will reduce client error and worker error which will result in the more effective and efficient administration of the program. An emergency rule is necessary so that we can immediately reduce our error rate in this area in an effort to avoid or reduce federal fiscal sanctions which result in reduced program funding and would have an adverse impact on Food Stamp Households.

Emergency Rulemaking

#### PROPOSED RULE

Effective May 1, 1986, interest income received by retro-spectively budgeted monthly reporting households shall be annualized.

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

### DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services has exercised the emergency provision of the Administrative Procedure Act, (R.S. 49:953 B) to limit certain services provided through the Handicapped Children's Services Program (HCSP).

Effective March 20, 1986 the following services will no longer be provided or will be limited as below:

1. corrections of minor orthopedic conditions such as flat feet, internal and external tibial torsion;
2. purchase of shoes unless attached to braces;
3. purchase of eyeglasses for refractive errors;
4. purchase of (re)habilitation devices, bathtub chairs, communication devices, raised toilet seats, etc.;
5. new craniofacial plastic surgery (except if craniostenosis would cause brain damage);
6. delete purely cosmetic surgery;
7. limit elective surgery (such as hypospadias repair) depending upon resources available and with the agreement of physicians and the program administrator; and,
8. delete all special services beyond case management for children on the Supplemental Security Income Disabled Children's Program.

This emergency rule is necessary to comply with budget reductions in the present fiscal year (Fy 85-86).

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

### DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to put into effect the rules of operation for the Department of Health and Human Resources Council on the Purchases of Products and Services of Severely Disabled Persons, effective May 1, 1986.

This rule allows the council to operate and award contracts to the state operated and state supported sheltered workshops which will provide employment opportunities to the severely disabled citizens of Louisiana. This rule constitutes an emergency sit-

uation because these contracts are awarded on an annual basis as they expire and if they cannot be awarded, they are lost for 12 months or possibly lost completely. This will have severe economic impact on workshops and the lives of many of the severely disabled.

Act 109 of 1984 authorizes the Department of Health and Human Resources to adopt these rules.

A copy of said rules of operation are available for review in the Office of the Assistant Secretary, Office of Human Development.

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

### DECLARATION OF EMERGENCY

#### Department of Public Safety and Corrections Office of the Secretary

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, and under the authority of LRS 3:3203, the secretary of the Department of Public Safety and Corrections hereby declares that R.S. 14:402 prohibits the bringing of contraband into or out of an institution and to do so presents an imminent peril to the life, health or property of the citizens of the State of Louisiana and further, that the United States and Louisiana Constitutions prohibit unreasonable searches. Therefore, the secretary of the Department of Public Safety and Corrections hereby establishes the following search regulations pertaining to visitors at facilities within the Corrections Services division of the Department of Public Safety and Corrections and employees at facilities within the Corrections Services division of the Department of Public Safety and Corrections, pursuant to current court decisions regarding searches of visitors and employees:

Searches of Visitors

Property Search: Property searches may be conducted at any time.

Pat-Down Search: Pat-down searches may be conducted at any time when there is some degree of suspicion directed toward the visitor. General Search; Strip Search: These searches may be conducted if there is reasonable suspicion directed toward the specific visitor. Visual Body Cavity Search; Body Cavity Search: These searches may be conducted only with a search warrant.

Searches by drug-sniffing dogs: Searches of visitors and their property by trained drug-sniffing dogs may be conducted at any time.

Searches of Employees

Property Search: Property searches may be conducted at any time.

Pat-Down Search: Pat-down searches may be conducted at any time with the approval of the unit head, assistant unit head, or their designee.

General Search: May be conducted at any time with the approval of the unit head, assistant unit head, or their designee.

Strip Search: With the approval of the unit head, assistant unit head, or their designee, strip searches of employees may be conducted when there is reasonable suspicion directed toward a particular employee.

Visual Body Cavity Search and Body Cavity Search: Visual body cavity searches and body cavity searches of employees are not permitted absent a search warrant authorizing the search.

Searches by drug-sniffing dogs: Searches of employees and their property by trained drug-sniffing dogs may be conducted at any time. These regulations are effective April 17, 1986, and copies may be obtained at no cost by writing Joe E. Kopsa, Legal Services, Department of Public Safety and Corrections, Box 94304,



Baton Rouge, LA 70804, by calling 504/342-6743 or by coming in person to 654 Main Street, Baton Rouge, LA.

C. Paul Phelps  
Secretary

### DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953B, the Administrative Procedure Act and under the authority of R.S. 56:497A the Wildlife and Fisheries Commission hereby authorizes and empowers the secretary of the Department of Wildlife and Fisheries to set a special white shrimp season during April 1986 if technical data indicates the need for such a season.

J. Burton Angelle  
Secretary

### DECLARATION OF EMERGENCY

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

In accordance with the Emergency provisions of R.S. 49:953B the Wildlife and Fisheries Commission is reducing the amount of shrimp harvested by use of cast nets from 100 pounds to 25 pounds per boat per day (heads on) on Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Refuge, Pointe au Chien Wildlife Management Area and Salvador Wildlife Management Area.

The emergency action is necessary due to the proposed special white shrimp season that may be set late in April.

J. Burton Angelle  
Secretary

# Rules

## RULE

### Department of Agriculture Office of Animal Health Services Diseases of Animals Pet Turtles

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 56:638.1, the commissioner for the Department of Agriculture hereby adopts rules and regulations for the pet turtle industry as detailed below.

#### Title 7

#### Agriculture and Animals Part XXI. Diseases of Animals

#### Chapter 123. Pet Turtles

#### §12301. Definitions

*Antibiotic* means any bactericide or other organic substance which can kill bacteria such as Salmonella and Arizona spp.

*Certified turtle farmer* means any individual, firm, corporation or entity engaged in the collection, hatching, sale or distribution of turtles using the Siebeling Method and inspected by the Louisiana Department of Agriculture.

*Certificate of inspection* means a document that is signed by a Louisiana licensed, accredited, and department approved

veterinarian which verifies species, dates of laboratory testing, turtle lot number and utilization of the Siebeling Method.

*Department* means the Louisiana Department of Agriculture.

*Garasol* is an antibiotic (gentamicin sulfate) dissolved in water to give a concentration of 1,000 ppm or a concentration as approved by the Food and Drug Administration (FDA).

*Health certificate* is a document issued by a Louisiana licensed, accredited, and department approved veterinarian to turtle farmers verifying a certificate of inspection, attaching a laboratory report and certifying that the veterinarian has inspected the turtles or eggs and that they are free of visible signs of infectious, contagious or communicable diseases. The health certificate and/or certificate of inspection shall be required before eggs or turtles are shipped or transported and before they are moved from a certified turtle farm into intrastate or interstate commerce.

*Laboratory* means a laboratory which has been certified by the Federal Food and Drug Administration (FDA) or other national accrediting agencies to perform microbiological and/or residue testing of organic or inorganic samples.

*Siebeling Method* means a process by which turtle eggs are cleaned, their surfaces disinfected and a bactericide forced through the pores of the shells without violating the natural, structural integrity of the shell, thereby rendering the hatchling Salmonella and Arizona free.

*Turtle group* means any amount (multiple or single units) consisting of less than 40,000 turtles or turtle eggs.

*Turtle lot* means a total unit of 40,000 turtles or turtle eggs.

#### §12302. General Provisions

A. State employed veterinarians shall inspect the washing, incubation and hatching of all turtle operations at least four times a year. During inspections, they will also randomly select eggs for laboratory submission and analysis. The inspections shall be made to insure the following:

1. The Siebeling Method of egg collection and sanitization is being conducted properly and is in accordance with the following procedures, to wit:

a. The Siebeling Egg Treatment Method consists of two major components: (1) egg sanitization and (2) either treatment by the Pressure-Differential Procedure or a treatment by the Temperature-Differential Procedure.

i. Methods of Egg Sanitization:

In order for the gentamicin to work effectively, the egg shell surface must be thoroughly cleaned. All dirt must be removed and the eggs shall be sanitized by placing them in either an egg washing machine or by following the prescribed immersion procedure. The immersion procedure shall require: immersion of eggs in a warm Clorox solution. Both procedures shall require washing eggs with warm water spray on the top, bottom, and sides of the egg tray. Also, a minimum of two teaspoons of Clorox for each gallon of water shall be added and water shall be a minimum of 90° F. The immersed egg shall remain in the Clorox solution for five to ten minutes and then be removed. The Clorox solution shall not be reused and must be discarded.

ii. Treatment by Pressure-Differential Procedure:

Eggs must be washed as required in (i) above thoroughly using either an egg washing machine or washed in a warm Clorox solution prior to the initiation of this procedure. The treatment by pressure differential procedure shall consist of:

(a) add garasol dip solution to dip tank,

(b) close cover and pull vacuum to 10-25 inches of Mercury and vacuum for at least five minutes,

(c) release vacuum slowly over a period of 45 to 60 seconds,

(d) let eggs soak 10 minutes under ambient conditions before removing them from garasol dip solution.

(e) remove eggs and proceed with hatching procedures.

iii. Treatment by Temperature-Differential Procedure:

Eggs must be washed thoroughly as required in (i) above using either an egg washing machine or washed in warm Clorox solution prior to the initiation of this procedure. The treatment by temperature differential procedure shall consist of:

(a) the garasol dip solution shall be 35°-45°F,

(b) the eggs must be warmed to a minimum of 90°F in an incubator or other heating device,

(c) the warmed eggs shall be immersed in the garasol dip solution for a minimum of 15 minutes,

(d) remove eggs and proceed with hatching procedures.

iv. Maintenance of Dip Solution:

After the treatment described in (i), (ii) and (iii) above, the garasol solution shall be maintained as follows:

(a) the garasol dip solution shall be filtered daily during the egg laying season through any filter or filtering process which will retain items of one micron or larger,

(b) garasol dip solution shall be stored in glass, plastic or stainless steel containers at 35° to 45°F,

(c) the garasol dip solution can also be frozen,

(d) the ph of the garasol dip solution shall be maintained at between 6.0 and 7.5, and

(e) the garasol dip solution shall be heated to a temperature of 212°F for a minimum of 25 minutes after it has been used to treat 40,000 eggs and the solution shall be filtered as provided in (a) above.

2. All equipment used in the Siebeling Method is clean and working properly.

3. Records of purchase and disposal of garasol shall be maintained by the certified turtle farmers.

4. Proper records on the use of the Siebeling Method must be maintained and shall consist of the following information:

a. turtle group or lot number and date of treatment,

b. number of eggs treated in a lot or group,

c. garasol lot or group number(s) and expiration date(s),

d. concentration of garasol used in lot or group number,

e. last boiling or filtering date of garasol,

f. destination and purpose of shipment,

g. date of laboratory report of turtles tested for Salmonella,

h. person recording data,

i. verification of Louisiana Department of Agriculture inspection.

5. All turtles or eggs leaving the farm must be accompanied by a certificate of inspection. A health certificate stating that the turtles and/or eggs originated from a state certified turtle farm.

6. Certified turtle farmers shall be responsible for maintaining accurate records of turtle lots or groups and all other information required in number four above.

7. Local, practicing, accredited, Louisiana licensed and department approved veterinarians will be the primary source of official health certificates.

8. Water samples from ponds may be taken periodically by department veterinarians and shall be transmitted to a laboratory for pH, bacterial identification and the concentration or presence of antibiotics and pesticides. The laboratory analyses shall be paid by the certified turtle farm.

### §12303. Penalties

For failure to implement the "Siebeling Method" of treatment in conducting his business, the offender shall be fined \$250 and shall be further enjoined from operation of such business, and no further sales shall be allowed, until said method is imple-

mented. For a mistake made in the application of the "Siebeling Method," no fine shall be assessed. The farmer's operation shall be enjoined, and no further sales shall be allowed, until an adequate correction of the method of application is made.

Bob Odom  
Commissioner

### RULE

#### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on January 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 4.01.50.c

Amend Nonpublic School Standards 6.105.01 and 6.105.17 to provide that the unit requirement for Fine Arts Survey (Art) be changed from one-half to one unit, and that the unit requirement for Fine Arts Survey (Music) be changed from one-half to one unit.

James V. Soileau  
Executive Director

### RULE

#### Department of Elections and Registration

The Department of Elections and Registration adopted rules establishing criteria to be used in the determination of polling place accessibility for the elderly and handicapped as required by the Federal Voting and Access for the Elderly and Handicapped Act, Public Law 98-435 as follows:

##### §1. Purpose

The purpose is to establish minimum guidelines to be used in determining whether facilities used as polling places in all elections are accessible to handicapped and elderly voters pursuant to the federal "Voting Accessibility for the Elderly and Handicapped Act," Public Law 98-435.

##### §2. Definitions

For the purpose of this rule, the following definitions shall apply:

*Accessible* describes the combination of the various elements of the built environment as prescribed herein which allows parking, entrance to, egress from and use of polling place facilities by handicapped and elderly voters.

*Blend to a Common Level* refers to the meeting of two or more surfaces so that there is no abrupt vertical change in any of the surfaces which could create a tripping hazard or divert the direction of the caster wheels on a wheelchair.

*Circulation Route* means a continuous path of travel from the curb or parking area to the polling place building, into and through the polling place building to the voting area and includes both horizontal and vertical travel.

*Curb* means the inside boundary of the street, driveway or parking lot.

*Elderly* means any person who is 65 years of age or older.

*Exterior Circulation Route* means that part of a circulation route from the curb or parking area to the point of entry to the polling place building.

*Handicapped* means any person who has a temporary or permanent physical disability.

*Interior Circulation Route* means that part of a circulation

route from the point of entry to the polling place building through the polling place building to the voting area.

*Passenger Loading Zone* is a place specially provided outside of the vehicular traffic flow designed for the drop-off or pick-up of passengers from vehicles.

*Handicapped Parking* is a place specially designated by the International Symbol for Accessibility and other markings with dimensions as specified in Appendix B, Illustration C.

*Committee for Voting Accessibility* is a committee appointed by the Commissioner of Elections and Registration composed of a representative of 1) Clerks of Court, 2) Registrars of Voters, 3) physically handicapped person, 4) Attorney General, 5) Secretary of State, 6) State Board of Election Supervisors and 7) Police Jury Association.

**§3. Guidelines for Accessibility**

To be accessible to handicapped and elderly voters a polling place must have at least one circulation route which meets the following criteria:

a) Exterior Circulation Routes

There shall be at least one path of travel that shall have no steps or slope greater than 1:12 from the curb or parking area to an entrance of the polling place building and facilities. This route shall be as direct as site conditions allow.

1) Walks and Sidewalks

A) The minimum clear width of walks and sidewalks shall be 3'-0".

B) Walks and sidewalks shall be of a continuing common surface, not interrupted by abrupt changes in level. Surfaces shall be firm and stable.

C) Walks with gradients steeper than 1:20 shall be considered as ramps and conform to the requirements of Section 3(d) herein. Ramps on walks shall not be steeper than 1:12.

D) Walks with sustained gradients of no greater than 1:20 shall have level areas of at least 5'-0" in length at approximately 100'-0" intervals for the purpose of rest.

E) No rigid or hard object shall project into the space above a walk lower than 7'6" measured from the surface.

F) Wherever walks and sidewalks intersect with other walks and sidewalks, parking lots, driveways, or streets, the surfaces shall blend to a common level to allow smooth passage of wheelchairs. (See Appendix A: Illustration A).

2) Parking

A) If parking areas are provided as part of the premises used as a polling place by voters, they shall have parking spaces specifically for the handicapped and an accessible path of travel to the polling place building. If general parking is not provided, every effort shall be made to set aside/reserve a temporary parking area for handicapped persons. If passenger loading zones are provided, they shall be accessible to the handicapped and be close to the aforementioned path of travel.

B) If parking spaces for the handicapped are provided, they shall be marked to indicate that they are reserved for disabled drivers, using the International Symbol for Accessibility and should be of the appropriate dimensions (See Appendix B, Illustration C) to allow the safe exit and entry of persons with disabilities from their vehicles. Such markings shall be placed on a pole or wall mounted and may be accompanied by markings painted on the surface.

b) Entrances, Doors and Doorways

1) At least one entrance (exit) to the polling place building and rooms shall be accessible. The accessible entrance to the polling place should be identified and marked using the International Symbol for Accessibility.

2) The floor on the inside and outside of each doorway shall preferably be level, but may slope no more than 1:50.

3) Entrances shall have a minimum clear width of 2'-8".

This dimension shall be measured from the face of the door to the face of the door stop. Where double doors are used, at least one leaf shall allow a 2'-8" clear opening. (See Appendix B, Illustration A)

4) The minimum space between two hinged doors in a series shall be the width of the door swinging into the space plus 4'-0". Door swings of doors in series shall open in the same direction. Single doors hung in series shall be hinged at the same side.

5) At vestibules where doors are at right angles to each other, the dimension between the wall with the inswinging door and the facing wall shall be 6'-6" minimum. The minimum dimension in the other direction shall be 5'-0".

6) If the above specification cannot be satisfied, then one of the two doors shall be securely fastened in an open position during the hours when the polling place is open. (See Appendix B, Illustration B)

7) The maximum height of thresholds at exterior and interior doors shall be 1/2". Where there are differences in floor level between rooms or spaces, the threshold shall be sloped at no more than 1:20.

8) Doors should be operable without movements requiring a tight grasp, complex hand movements, or the exertion of great force.

c) Interior Circulation Routes

1) There shall be an accessible and convenient path of travel from an accessible entrance to the voting area.

2) The voting area in the polling place building shall be served from an accessible entrance by at least one path of travel that does not have stairs or escalators.

3) The minimum clear width of halls, corridors, passageways and aisles shall be 3'-0".

4) No rigid or hard objects shall project into the space above a path of travel unless the dimension from the bottom edge of the object to the walk surface is at least 7'-6".

d) Ramps

1) If possible, alternative design solutions to ramps should be provided because of the substantial energy demands required to negotiate them by those in wheelchairs, plus the difficulties encountered by amputees and others with gait problems on ascent and descent. Ramps shall allow unrestricted traffic flow, and be free of hazards. All ramps constructed or temporarily installed in a polling place building shall meet the requirements of this standard.

2) Any part of a circulation path shall be considered a ramp if it has a slope that is greater than 1:20. The following table gives allowable slopes and maximum lengths.

Allowable Slope	Maximum Rise in a Single Ramp	Maximum Length of a Single Ramp Segment
1:12	2'-6"	30'-0"
1:16	2'-6"	40'-0"
1:20	2'-6"	50'-0"

3) All ramps in a rampway shall have identical slopes. Ramps of 1:8 may be used where existing physical constraints prevent the construction of more gradually sloped ramps.

4) All ramps with a rise greater than 9" shall have handrails on both sides. Handrails shall be continuous along the ramp segment.

5) Ramps shall have a minimum clear width of 3'-0".

6) Ramps shall level platforms at the bottom and the top of each run, at least 5'-0" long and be at least as wide as the ramp. Intermediate platforms shall be 5'-0" minimum between each ramp

segment. See above Table for the maximum allowable lengths of ramp segments.

7) Intermediate turning platforms shall be a minimum of 5'-0" in length and 7'-0" wide to allow wheelchair maneuvering through 180 degrees, and at least 5'-0" long in both directions for turns of 90 degrees.

8) If doors open out onto the ramp platform, a level area at least 5'-0" deep and 5'-0" wide shall be provided.

9) The ramp surface shall be slip resistant.

10) No objection shall be hung from above or the sides that projects into a rampway lower than 7'-6" from the surface of the ramp or landing. Below this height, no object shall project into a rampway other than the handrails.

e) Elevators

If elevators are necessary to access the voting area, the elevators shall be on an accessible route and shall comply with the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A117.1 1980.

#### **§4. Determination of Accessibility**

a) The parish governing authority shall survey every polling place facility to be used throughout the jurisdiction to determine whether such facilities are in compliance with the criteria set forth herein.

b) The survey shall be completed using the form prescribed by the Department of Elections and Registration (hereinafter referred to as D.E.R.). This completed survey form shall be retained by the parish governing authority for the period the site is used as a polling place. Copies of the survey shall be forwarded to the D.E.R. and shall be made available for public inspection upon request.

c) If an existing polling place fails to satisfy the criteria set forth herein and cannot be temporarily altered in a reasonable manner to satisfy the criteria, it will be deemed inaccessible and shall not be used unless an exemption is granted by the Committee for Voting Accessibility (hereinafter referred to as C.V.A.). In accordance with the provisions herein C.V.A. reserves the right to conduct on-site inspections of polling places.

#### **§5. Exemption Procedures**

a) If all potential polling place facilities have been surveyed and no accessible facility is available and the facilities which are available cannot reasonably be made temporarily accessible, the parish governing authority shall request in writing to the C.V.A. in care of the D.E.R. that the existing polling place be exempt from the criteria set forth herein. A separate request for exemption shall be submitted for each polling place not in compliance. Nothing herein shall require the installation of temporary ramps to the exclusion of continued efforts to achieve compliance.

b) In order to be granted an exemption by the C.V.A., the written request shall:

1) identify the polling place for which the exemption is requested;

2) identify the provisions herein with which the existing site is not in compliance;

3) describe the efforts made to locate a site in compliance with these guidelines;

4) describe what continued efforts will be made to achieve compliance during the period that the exemption is in effect;

5) state the approximate length of time needed to meet the compliance requirements;

6) be accompanied with a copy of the completed survey form; and

7) bear the signature of an official of the parish governing authority.

c) In 1986, a request for an exemption for any currently established polling place shall be filed with the C.V.A. in care of the D.E.R. not later than July 1 of that year.

d) Within 10 working days following the receipt of a request for exemption, the C.V.A. will consider granting a certification of exemption to the parish governing authority for that polling place. Such exemption shall be valid for a period of one year from the date of issuance.

e) If one or more disabled persons contact the D.E.R. concerning a specific exemption, the D.E.R. shall work in cooperation with the parish governing authority and the disabled persons in locating an available accessible facility.

f) 1) If an accessible facility which is otherwise suitable can be leased as a polling place by the parish governing authority at any time during the period that the exemption is in effect, the D.E.R. shall be notified of the existence of this facility and the exemption shall be rescinded upon receipt of a completed survey form.

2) The parish governing authority shall notify the D.E.R. of any change in polling place facilities within 10 days of the establishment of that new polling place.

#### **§6. Emergency Provision**

a) If an accessible polling place becomes unavailable during the period commencing on the date the qualifying period opens and ending on the date of the general election, these rules shall not apply.

b) Any alternate polling place not in compliance with these rules shall be considered temporary and cannot be used in the next ensuing election without an exemption from the C.V.A..

c) Not more than 30 days following the election, the Parish Governing Authority shall notify the C.V.A. in care of the D.E.R. in writing of the polling place change and describe the emergency which caused the alternate polling place to be used.

#### **§7. Responsibilities of the Louisiana Department of Elections and Registration (D.E.R.)**

The Louisiana Department of Elections and Registration shall:

a) prepare a list of all polling places by election jurisdiction for which an exemption was granted. Such list shall contain the location of the polling place, the reason for the inaccessibility and the date the exemption was granted. Such list together with the petition for exemption shall be public record at the office of the D.E.R.;

b) within 10 working days following the receipt of a written notification from the United States Attorney General, or a person who is personally aggrieved, that an election jurisdiction is not in compliance with these rules, transmit a copy of the notification to the parish governing authority. Upon receipt of the notification, the parish governing authority shall respond in writing to the D.E.R. within 10 days. Upon receipt of response the D.E.R. will submit, within 10 working days, the grievance and the response to the C.V.A. for final determination.

c) not later than September 1 of each even-numbered year, verify the list of exemptions with each election authority; and

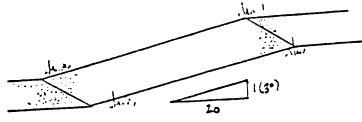
d) not later than December 31 of each even-numbered year, report to the Federal Election Commission, in a manner to be determined by the commission, the number of accessible and inaccessible polling places throughout the state on the date of the preceding general federal election and the reason for any instance of inaccessibility.

Appendix A  
Illustration A

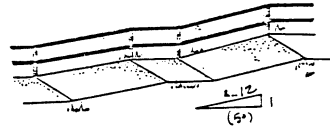
Exterior Circulation Routes  
Blend to a Common Level

...exterior walkways and ramp information

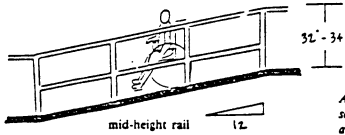
Maximum slope on a walkway shall be 1:20 (3 degree slope). Any slope greater than 3 degrees shall be considered a ramp and shall conform to all requirements such as maximum slope and railings. (7)



Walkways shall have a continuous common surface not interrupted by steps or abrupt changes in level greater than 1/4"



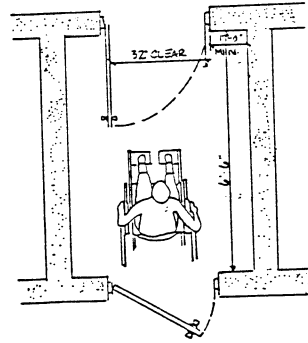
Exterior ramps can be a maximum 1:12 (5 degree slope) and must have a handrail on at least one side. Handrails are preferred on both sides.



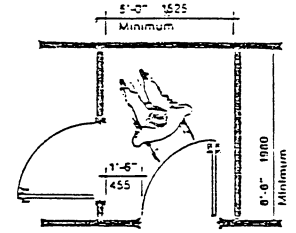
All ramps shall be the same width as the corridor or walkway served. Surface shall be firm and nonslip with handrails on at least one side. Unenclosed ramps shall also have an intermediate rail at mid-height.

Appendix B  
Illustration B

Minimum Requirements for  
Doors Opening in Series  
(1) and Minimum Vestibule  
Dimensions when doors are  
located at right angles  
to each other (2)



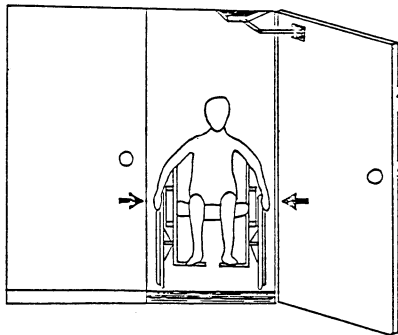
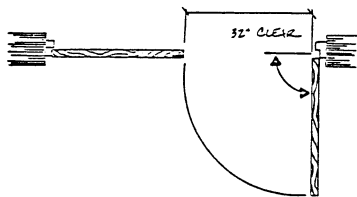
(1)



(2)

Appendix B  
Illustration A

Minimum Clear Door Openings



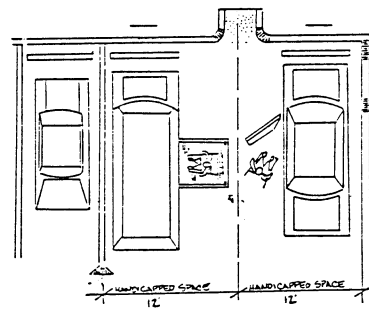
For a Single Door:  
Clear opening must be between door in its 90° open position and the jamb.

Clearing opening for two leaf doors must be between either door in its 90° open position and the end of the other door.

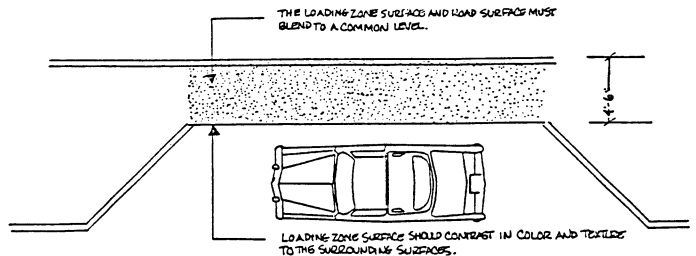
An adult wheelchair averages 27" wide. The required 32" clear door width allows 2 1/2" clearance on each side for hands. An electric wheelchair is wider than standard design wheelchairs and makes a 32" doorway an essential minimum.

Appendix B  
Illustration C

Parking and Passenger  
Loading Zones



The International Symbol of Accessibility



Jerry M. Fowler  
Commissioner

## RULE

### Department of Environmental Quality Office of Air Quality

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and particularly Sections 1061 D(1) and 1084 B(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary adopted the following amendments to the Louisiana Air Quality Regulations.

The amendments to Subpart F - Emission Standards for Asbestos, Part IV of the Louisiana Air Quality Regulations clarify several definitions used in asbestos demolition/renovation reporting, eliminate de minimus reportable quantities on demolition/renovation projects, and initiate an asbestos disposal tracking system.

The deletion of de minimus reportable levels on a demolition/renovation asbestos project places proper emphasis on the fact that even small quantities of asbestos containing material can pose a significant health hazard if handled improperly. The initiation of an asbestos disposal tracking system insures that asbestos generated by demolition/renovation projects that are reported is properly disposed and will aid in notification compliance procedures.

The agency contact responsible for responding to inquiries or requests for copies of the amendments is W. H. Davis, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-1206.

Patricia L. Norton  
Secretary

## RULE

### Office of the Governor Division of Administration

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of R.S. 39:241 and R.S. 44:32 amends LAC 4:I.301, "Uniform Fee Schedule for Copies of Public Records," as published August 20, 1982, in Volume 8, Number 8, Page 411, of the *Louisiana Register*.

LAC Title 4. Administration  
Chapter 3. Fees

#### **§301. Uniform Fee Schedule for Copies of Public Records**

A. Copies of public records furnished to a person so requesting shall be provided at fees according to the following schedule.

B. 1. Charges for the first copy of any public records shall be at a minimum 25 cents per page for microfiche reproductions or paper copies up to 8½ × 14 inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than 8½ × 14 inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in Parts II and III above. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies that have an established fee for copying public records that is in excess of those set forth in the rule must justify

that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law nor shall this schedule apply to requests for copies from one state agency to another.

Stephanie L. Alexander  
Commissioner of Administration

## RULE

### Office of the Governor Division of Administration

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Division of Administration amended Chapter 7, Request for New or Substitute Positions - PPM No. 33 to incorporate a new form BA-8, 10/76 and as follows:

#### Title 4

#### Administration

#### Part V. Policy and Procedure Memoranda

#### Chapter 7. Request for New or Substitute Positions - PPM No. 33

#### §701. Purpose

A. It is the purpose and intent of this memorandum to incorporate a revised form, BA-8, 10/76.

B. This revised form, BA-8, 10/76, will be used, without exception, to request authorization for any new position not authorized in the executive budget and also to request authorization for any substitution of previously approved positions on the personnel position control.

#### §703. Instructions

A. In utilizing the revised Form BA-8, 10/76, a request for new positions will be executed as follows:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

B. For substitution of previously approved positions:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

Column 7. Title or Position to be Replaced

Column 8. Organizational Unit (Functional Section or Unit)

C. A separate Form BA-8 must be completed for each and every request submitted for the commissioner's approval and must also indicate whether the position affected is classified (C) or unclassified (U).

D. It must be emphasized that the approval of a classification substitution in no manner changes the numerical position of the control. Approval of a substitution automatically cancels and eliminates the substituted position from the authorized personnel position control in the executive budget and replaces it with the approved change. Under no circumstance will the substituted po-

sition be retained on the adjusted control. Also, the approval of a new position automatically advances the numerical position of the control.

E. The personnel position control block must be completed before approval can be granted. In the column "number" the agency must designate the current personnel control by incumbents and vacancies. This will include all previously authorized changes.

F. If the request for change represents a new position, the total adjusted personnel control will show a numerical increase of one position. If the request represents a substitution of a previously budgeted position, the adjusted personnel control will remain the same. In all cases the control block must be completed.

G. In the second block headed "funds - pro rata - amount", the agency will disclose the source of funds intended to defray the additional salary expense. If the cost is to be borne by a joint state-federal participation, indicate the pro rata cost of each source. If the funds are derived from other sources, e.g., self-generating, etc., explain in detail on the reverse side of the form.

H. This memorandum supersedes Policy and Procedure Memorandum No. 3 and all memoranda and manuals in conflict herewith are superseded.

I. Form BA-8 should be duplicated by your agency as future needs arise. (See form below).

**RULE**

**Office of the Governor  
Division of Administration**

In accordance with the provisions of R.S. 49:950 et seq. (the Administrative Procedure Act), notice is hereby given that the Division of Administration repealed the following:

**Title 4: Administration**

**Part V. Policy and Procedure Memoranda**

**Chapter 11. State Employees Group Insurance Program - PPM Number 40**

The aforementioned policy and procedure memoranda was published in the *Louisiana Register* as follows: Volume 1, Number 2, Page 110, (February 20, 1975). The Division of Administration desires to eliminate unnecessary policy and procedure memoranda and since the provisions of Chapter 11, PPM Number 40 are no longer relevant it is being repealed.

Stephanie L. Alexander  
Commissioner of Administration

**RULE**

**Office of the Governor  
Division of Administration  
Office of Risk Management**

In accordance with R.S. 39:1527, et seq., the Office of Risk Management amended the following:

Rev. 10/76

**DIVISION OF ADMINISTRATION  
REQUEST FOR NEW OR SUBSTITUTE FULL  
TIME EQUIVALENT POSITION**

BA-8 Number \_\_\_\_\_

Agency \_\_\_\_\_ Date \_\_\_\_\_

Schedule Number \_\_\_\_\_

C or U	(1) Classification or Title	(2) Organizational Unit or New Position	(3) Date of Occupancy	(4) Monthly Salary	(5) Cost Differential for Remainder of Current Year	U or C	(6) Title of Position to be Replaced	(7) Organizational Unit

Justification: Explain in Detail

**PERSONNEL POSITION CONTROL**

Authorized Personnel - Budgeted	Current Number	Change	Adjusted Personnel Control
Incumbents			
Vacancies			
Total			

Funds	Pro Rata	Amount
State	%	
Federal	%	
Interagency	%	
*Other	%	

**CERTIFICATE:** I certify that this request, if approved, will (will not) change the Personnel Position Control (authorized number of employees) as stipulated in the Executive Budget; that the position to be filled is not now or will not be filled prior to receipt of approval; that the substitution requested automatically cancels or eliminates the position substituted and in no manner changes the status of the approved Personnel Position control; that this request, if approved, will (will not) impair or exceed the total amount of monies allocated in Salaries (2112) category for Fiscal Year \_\_\_\_\_.

No. positions funded in other charges over authorized T.O. \_\_\_\_\_

**IN ALL CASES USE THE "JUSTIFICATION" COLUMN TO EXPLAIN HOW FUNDS WILL BE MADE AVAILABLE FOR THE REQUEST.**

Note: A separate form must be executed on each and every individual request for change

\*Explain in detail (reverse side)  
\_\_\_\_\_  
(Budget Unit Head)  
\_\_\_\_\_  
(Title)  
Approved: \_\_\_\_\_  
Commissioner of Administration  
Date \_\_\_\_\_

Stephanie L. Alexander  
Commissioner of Administration

**Title 4  
ADMINISTRATION**

**Part V. Policy and Procedure Memoranda**

**Chapter 21. Repair and Replacement of Damaged Property Covered Under the State's Risk Management Program-PPM No. 53**

**§2101. Responsibilities and Rights**

The Office of Risk Management, Division of Administration, has the responsibility to manage all state insurance, Louisiana State University excepted, covering property and liability exposure through commercial underwriters or by self-insuring. Personnel benefits, group health and life coverage are excepted. In discharging this responsibility, the Office of Risk Management has the right of access to all information relating to the state's Self-Insurance and Loss Control Program. This will be accomplished by affording the Office of Risk Management opportunity of inspections of all locations throughout the state.

The Office of Risk Management has most rights normally afforded a commercial insurance company. Among these rights is the opportunity to inspect any damage to insured property prior to repair or disposal. Therefore, the Office of Risk Management must be contacted before any repairs or disposal of insured, damaged material is accomplished. Submit all appropriate information relative to incurred losses to the Office of Risk Management at the following address: Office of Risk Management, Division of Administration, Box 94095, 2714B Wooddale Boulevard, Baton Rouge, LA 70804-9095; Phone (504) 925-4827-4828.

Stephanie L. Alexander  
Commissioner of Administration

**RULE**

**Office of the Governor  
Division of Administration**

Notice is hereby given that the Division of Administration, pursuant to notice of intent published on February 10, 1986, adopts the following rule for the state equipment-lease-purchase program.

**TITLE 34**

**Government Contracts, Procurement  
and Property Control**

**Part XI. Equipment-Lease-Purchase Program**

**Chapter 1. General Provisions**

**§101. Authority**

The Division of Administration is hereby enacting the following rules and regulations in accordance with Act 758 of the 1985 Regular Session (LSA-R.S. 39:1761-1771).

**§103. Definitions**

A. *Applicable purchasing agency* shall mean the Division of Administration except as provided in LSA-R.S. 39:1572.

B. *Equipment lease purchase contract* means the lease purchase contract in the form approved by the State Bond Commission and the Commissioner of Administration between the state and nonprofit lessor.

C. *Exempt agency* means those agencies set out at LSA-R.S. 39:1572 which are not required to procure goods and services through the Division of Administration, Office of State Purchasing.

D. *Lessee* shall mean the State of Louisiana through the Division of Administration.

E. *Nonprofit lessor or lessor* means a public corporation or public trust organized pursuant to state law having for its beneficiary the state.

F. *Non-exempt agency* means those agencies which are

mandated by law to procure their goods and services through the Division of Administration, Office of State Purchasing.

G. *Procurement period* means that period of time as established by the equipment lease purchase contract in which the state may procure selected equipment under the state equipment-lease-purchase program. Any equipment not purchased within this time period will be removed from said program.

H. *Program* means the equipment-lease-purchase program of the State of Louisiana wherein a nonprofit lessor purchases and finances equipment to lease to the state with funds belonging to the nonprofit lessor, and upon the completion of payment of lease amounts the title of the selected equipment shall vest in the state.

I. *Purchase Order* means a written agreement confirming all terms, conditions, delivery date and price acquired by bids received by State Purchasing or exempt agency for item(s) on the selected equipment list.

J. *Purchase Requisition* means a written request to procure equipment in accordance with law, rules and regulations from the selected equipment list by exempt or non-exempt agencies.

K. *Release Order* means a written agreement wherein a using agency purchases an item on the selected equipment list from a state contract conforming with all terms, conditions, delivery date and prices, which shall be issued by exempt or non-exempt agencies.

L. *Selected equipment* means the equipment, as determined by the applicable purchasing agency, and approved by the Division of Administration, which shall be the subject of a lease-purchase contract.

M. *Selected vendor* means a supplier, manufacturer, retailer, wholesaler, dealer, or other source for selected equipment which has been selected by the applicable purchasing agency pursuant to state law.

N. *Trustee bank* means the bank which the nonprofit lessor selects to administer the funds, make payments to selected vendors, accept payment from the state on the equipment-lease-purchase contract and which performs all the necessary and required functions for the administration of this program.

O. *Using agency* means that agency which will receive the selected equipment after it is procured and will be ultimately responsible for the lease payment under the equipment-lease-purchase contract.

**Chapter 3. Procurement of Equipment**

**§301. Appropriation Bills**

A. An agency wishing to participate in the state equipment-lease-purchase program must provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard budget request forms. These forms are to be submitted with the agency's budget request on December 5 each year. The Budget Office will review the request and make a funding recommendation. The Budget Office shall have the sole responsibility of determining which pieces of equipment will be recommended for this program and will notify the agency in the "Notification of Appropriation Letter" if such equipment is recommended for funding through this program.

B. Equipment purchased through this program shall not be included in the agency's appropriation but shall be accounted for separately. Acquisition cost of the equipment shall be reflected in future appropriations as lease purchase payments as set forth in Section 315.

**§303. Capital Outlay Bill**

An agency wishing to participate in the program for Capital Outlay equipment shall provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard Capital Outlay request forms. These



forms are to be submitted with the agency's Capital Outlay request by November 1 of each year. The Commissioner's Office, Office of Facility Planning and Control and the Budget Office shall review the request and recommend funding. The Office of Facility Planning and Control shall notify the using agency of the equipment funded through this program. Acquisition cost of the equipment shall be reflected in future appropriations as lease-purchase payments as set forth in Section 315.

### **§305. Generation of Selected Equipment List**

A. The Division of Administration shall compile a list of the equipment selected for acquisition under this program. This list is to be compiled from the items of equipment recommended by the Budget Office to appear in the agency's appropriation, in either the General Appropriation Bill, Ancillary Appropriation Bill and/or the Capital Outlay Bill. The list with the approximate purchase price shall be submitted to the nonprofit lessor selected to purchase the equipment. Upon approval by the legislature the nonprofit lessor shall take the necessary steps to generate the revenue to procure the equipment contained on said list.

B. The Division of Administration, State Budget Office, shall notify the using agency in writing when funds are available for procurement of equipment under the program when the procurement when the items were from the Appropriation Bill, or the Ancillary Appropriation Bill. For those items which were contained in the Capital Outlay Bill, the Office of Facility and Planning and Control shall notify the using agency of the availability of funds.

### **§307. Substitutions to the Equipment List**

A. The Division of Administration within the procurement period, with the prior written approval of the Joint Legislative Committee on the Budget, may elect to substitute one or more other items of equipment for such selected items on the equipment list, provided the inclusion thereof shall not cause the estimated aggregate purchase price to exceed the original estimated aggregate purchase price, and any substitution made must be for equipment in the same category group.

B. The using agency requesting such a substitution shall make such request in writing to the Division of Administration prior to the termination of the procurement period stating the item, estimated cost, and economic life of the item to be substituted and the item being substituted, and the reason such substitution is being requested. The Division of Administration shall notify the using agency of its decision in writing, in a timely manner.

### **§309. Procurement of the Selected Equipment**

The using agency shall be responsible for procurement of the equipment acquired under the program. Such procurement shall take place only after the using agency is notified in writing by the Division of Administration of funding by the non-profit lessor.

### **§311. Processing Procurement Request**

In procuring equipment for the program, using agencies shall adhere to all laws, executive orders, rules, regulations, policies and procedures governing the purchase of goods and services by the using agency. The procurement of equipment by the using agency shall not be construed to change, affect, increase, or in any fashion relieve the agency of the requirements of any laws, rules, executive orders, regulations, policies or procedures relative to the procurement of goods and services by the respective agency except as follows:

A. Release Order: The using agency shall issue release orders for items on applicable state contracts and comply with all requirements with except as follows:

1. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

2. Invoice To - shall be made out to the Louisiana Public

Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

3. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

4. Distribute photo copies of number 1 white page of release order as follows:

- a. State Accounting Office - Agency Services, and
- b. Office of Risk Management.

B. Purchase Requisition: Using agencies exempt from centralized purchasing through the Office of State Purchasing under R.S. 39:1572 (a) or (b), shall conduct the bidding for applicable equipment under the program. Such bidding shall be in accordance with all laws, executive orders, rules, regulations, policies and procedures, including the requirements contained herein. All non-exempt using agencies must submit to the Office of State Purchasing an applicable purchase requisition which includes complete specifications for the item of equipment which complies with all purchase requisition requirements and procedures with the exception and addition of:

1. Bid proposals must include a requirement that the bidder specify the manufacturer's maintenance requirements and the warranty period offered.

2. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

3. Invoice To - shall be made out to the Louisiana Public Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

4. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

C. Purchase Orders: The Office of State Purchasing, or the Exempt Agency shall only issue purchase orders after bids are opened and evaluated and it has been determined that the lowest responsive and responsible bid is not in excess of the amount approved for procurement of said equipment as reflected on the selected equipment list. In the event all bids are in excess of the estimated cost reflected on the selected equipment list an award shall not be made unless written approval is received from the Division of Administration State Budget Office. If the expenditure of additional funds is not approved, written cancellation of the solicitation shall be processed. Such cancellation notice shall contain the reason for cancellation.

D. Purchase orders use to procure equipment under the program must comply with all purchase order requirements and procedures with the exception and addition of:

1. Include the following statement in the description portion of the release order, THIS ORDER WILL BE PAID BY LPFA FUNDS. All invoices shall be remitted to the user agency's invoice address.

2. Invoice To - shall be made out to the Louisiana Public Facility Authority, Four United Plaza, Suite 100, 8555 United Plaza, Baton Rouge, Louisiana.

3. Coding Block - Delete all coding and insert in the coding block the following:

NON-FACS - \_\_\_\_\_ (General Appropriations Act No. \_\_\_\_\_, and year, Capital Outlay Act No. \_\_\_\_\_, and

year, or Ancillary Appropriations Act No. \_\_\_\_\_, and year). LPFA LEASE PURCHASE PROGRAM.

4. Distribute the photo copies of number 1 white page of purchase order as follows:

- a. State Accounting Office - Agency Services
- b. Office of Risk Management.

E. All purchase orders and release orders for procurement of equipment under the program shall be remitted to the Division of Administration, Office of State Budget, except for Capital Outlay items which shall be submitted to the Office of Facility Planning and Control, by the appropriate purchasing unit of the user agency. The Division of Administration, Office of the State Budget, or the Office of Facility Planning and Control when applicable, shall complete Section 1 of the Certificate of Approval and Acceptance, evidencing approval thereof, and attach said certificate to the applicable purchase or release order.

F. The using agency shall complete Section 2 of the Certificate of Approval and Acceptance and remit said certificate to the trustee bank as required in Section 313.

### **§313. Delivery and Acceptance of Equipment**

The using agency shall be responsible for accepting delivery of the equipment from the vendor and inspecting the equipment to determine if the equipment complies with the specifications and is in satisfactory condition. If an acceptance period is involved a certificate of acceptance shall not be transmitted to the trustee bank until such time that a successful acceptance period has been concluded.

B. Upon acceptance, the using agency shall transmit to the trustee bank the following:

1. Original Invoice - The original invoice must always be submitted unless it has been lost. In this case, a copy will be accepted only if it has been signed and dated and "A true certified copy of the original invoice" appears on the face of the invoice.

2. Pink copy of Purchase or Release Order - When submitting a complete payment request (when all items on the purchase order are being paid for at one time), the number 2 pink copy must be attached. When submitting a partial payment request, a photocopy of the number 2 pink copy of the purchase order must be attached to the invoice. Submit the original number 2 pink copy when the final payment is requested.

3. Receiving Report - The receiving report must be completely filled out indicating the item(s) received, quantity of each item, date received, and the authorized receiving agent's signature. When a purchase order is paid in partials, the final payment request must show where all the merchandise has been received, highlighting the item(s) submitted for payment at that time.

4. Equipment List - Submit a copy of the page of the selected equipment list for which the item(s) apply. Highlight on the page the item(s) and amount for which payment is requested.

5. Certificate of Approval and Acceptance - The certificate must adhere to the format as set out in Attachment A to these rules and regulations. Section 1 of the certificate shall be approved by the Division of Administration, Office of the State Budget, or Office of Facility Planning and Control, whichever is applicable, and Section 2 of the certificate shall be completed by a duly authorized official of the using agency prior to being remitted to the trustee bank.

6. Title Document - When applicable, include documents to place legal title of the item or piece of equipment with the Louisiana Public Facility Authority.

C. Payment will not be processed by the trustee bank unless each of the above described documents are remitted with the invoice. All incomplete packages shall be returned to the using agency by the trustee bank.

### **§315. Payment for Selected Equipment**

A. The trustee bank for the nonprofit lessor shall disburse the necessary funds for the purchase of the equipment. Thereafter, the Division of Administration as lessee, shall be responsible for remitting the required lease payments to the trustee bank.

B. The lease payments for items of equipment which were scheduled to be purchased by General Fund Direct will be appropriated directly to the Division of Administration in a special supplemental appropriation.

C. The lease payments for items of equipment which were scheduled to be purchased with federal funds, dedicated funds, or self-generated funds will be appropriated to the respective using agency to be transferred to the Division of Administration for the required payments to the trustee bank.

D. The lease payments for items of equipment which were scheduled to be purchased through the Capital Outlay Bill will be appropriated directly to the special appropriation under the Division of Administration.

E. The trustee bank will provide to the Division of Administration prior to January 1 of each year, a schedule listing the amount of lease payments required for each item of equipment. The Division of Administration shall invoice the using agencies for lease payments funded by means other than the State General Fund - Direct no later than 30 days prior to the actual lease payment. For lease payments funded by the State General Fund - Direct, the Division of Administration shall issue a memo invoice to the respective using agencies.

### **§316. Insurance on Equipment**

A. During the term of the lease purchase contract applicable to the individual pieces of equipment, the using agency shall maintain at its expense property insurance on the equipment for the replacement value of the equipment or the remaining outstanding lease payments owed by the using agency for said equipment, whichever is greater. The policy shall contain a loss payable clause as to make losses payable to the Division of Administration as lessee, the Louisiana Public Facility Authority as owner, or such other nonprofit corporation owner as may be applicable, the letter of credit bank, and the trustee bank, as their respective interest may appear. Using agency shall contact the Division of Administration prior to insuring said equipment to ascertain the names of said beneficiaries and their respective interest.

B. The policy shall also contain any and all additional requirement of the applicable equipment lease-purchase contract, by and between the Division of Administration and the nonprofit lessor. Insurance coverage shall be requested through the Office of Risk Management and such request shall be made no later than 90 days prior to the estimated date of receiving the equipment.

C. The using agency shall furnish the Division of Administration, State Accounting Office, Accounting Services, duplicate certificates of insurance evidencing the required insurance coverage. The Division of Administration, State Accounting Office, Accounting Services shall send the certificate of insurance to the nonprofit lessor and the trustee bank as required by the applicable lease-purchase contract.

### **§318. Maintenance on Equipment**

The using agency shall at all times during the lease, at using agency's expense, maintain, preserve and keep the equipment in good repair and working order in full and complete accordance with the selected vendor's specifications. The using agency shall furnish proof that the equipment is being maintained in such a fashion, upon request, to the Division of Administration.

### **§320. Title to the Selected Equipment**

Title to the selected equipment shall be retained by the nonprofit lessor until such time as the equipment is paid for in ac-

cordance with the equipment lease-purchase contract, at which time title shall be transferred to the using agency.

**§322. State Master Listing of Inventory**

A. The using agency through its bonded property manager shall enter and maintain the equipment on the State Master Listing of Inventory (AM014) with an acquisition code of 6 (loan) and the classification code of 5262550 (L.P.F.A. Equip. - D. of A.) in the Classification Code Column during the term of the lease. The using agency shall use its agency number assigned for Property Control and shall assign the respective tag number, if applicable. The acquisition date shall be the date the using agency receives the equipment. The acquisition cost shall be the actual cost of the equipment when purchased by the trustee bank. The item of property shall be fully and properly described in the Make and Model Columns so as to facilitate identification during each annual inventory of movable property by the using agency.

B. Upon transfer of title of the equipment to the state, at termination of the lease term or at any time an option to purchase is elected, the acquisition code shall be revised to 0, and the Identification Code of 526255 shall be changed to the proper classification code for the piece of equipment in question. All other requirements of entering and maintaining the equipment on the State Master Listing of Inventory shall be as set forth in the State Property Control rules and regulations.

**§324. Taxes**

The purchase of the selected equipment by the nonprofit lessor are exempt from state and local sales tax to the same extent as the state would be if the state was during the actual procurement, all in accordance with R.S. 39:1765 B.

ATTACHMENT "A"

American Bank and Trust Company  
Four United Plaza  
8555 United Plaza Boulevard Suite 302  
Baton Rouge, Louisiana 70809

Attention: J. Michael Brouillette  
Vice President and Trust Officer

RE: Louisiana Public Facilities Authority Revenue Bonds  
(State of Louisiana Equipment Leasing Program) Series 1985

Gentlemen:

SECTION 1. TO BE COMPLETED BY THE DIVISION OF ADMINISTRATION:

This is to advise you as Trustee for the above referenced issue of Bonds that the Equipment described in Purchase/Release Order Number \_\_\_\_\_, attached hereto has been received and accepted by the Applicable Purchasing Agency and approval is hereby given for payment of the Purchase Price of said Equipment.

APPROVAL:

\_\_\_\_\_  
Authorized State Representative Date

Section 2. TO BE COMPLETED BY USING AGENCY:

Also be advised that the using agency certifies the following applicable information:

The equipment is being insured under the State's self insurance program, or if under commercial coverage a copy of the binder is attached.

The equipment shall be located in the Parish of \_\_\_\_\_.

The serial number (if available) is No. \_\_\_\_\_.

The State's inventory control number (if applicable) assigned by the using agency is \_\_\_\_\_.

Also attached are the Title Documents necessary to place legal title in the Louisiana Public Facilities Authority to the Item of Equipment which is to be purchased upon payment to the Vendor of the Purchase Price thereof.

Agency Comments: \_\_\_\_\_

ACCEPTANCE:

\_\_\_\_\_  
Authorized Using Agency Official Date

**RULE**

**Division of Administration  
Office of Risk Management**

The Division of Administration, Office of Risk Management adopted the following rules pursuant to R.S. 13:5114.

**Title 37. Insurance**

**Part I. Risk Management**

**Chapter 1. Definitions**

**§101. Definitions**

For purposes of this Part of rules and regulations, the following definitions shall apply:

A. *Commissioner* means the commissioner of administration, the chief executive officer of the Division.

B. *Division* means the Division of Administration of the Office of the Governor of Louisiana.

C. *May* denotes the permissive, the having discretion and authority.

D. *Office of Risk Management* means the Office of Risk Management created within the Division by R.S. 39:1528.

E. *Plan offeror* or *offeror* means any insurer or any bank, trust company, investment fund or company, or other financial institution or any other legal person or entity which offers to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and offers to accept an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose. A "plan offeror" is a potential "plan provider."

F. *Plan provider* or *provider* means any insurer or any bank, trust company, financial institution, investment fund or company, or other financial institution or any other legal person or entity which has offered and been accepted and contracted with to provide an annuity, trust, or other investment product or opportunity to finance, in whole or in part, a structured payment plan and has accepted an assignment of liability in accordance with Section 130 of the Internal Revenue Code of the United States of America for such purpose.

G. *Recipient* means the ultimate beneficiary of a structured payment plan and/or reversionary medical trust.

H. *Reversionary medical trust*, as used herein, shall mean a trust established by a public entity for the exclusive benefit of an injured person to pay the necessary and reasonable medical expenses of said injured person and shall include, but not be limited to, reasonable amounts for all the diagnosis, cure, mitigation, or treatment of any disease or condition from which the injured person suffers as a result of the injuries, and the sequelae thereof, sustained by said injured person on the date of the accident or happening which caused the injury, where any and all or a portion of the funds remaining in the reversionary medical trust upon its dissolution, caused by the death of the injured party or such other event as may be stated in the trust agreement, shall revert to the public entity which established the trust. The trustee may obtain the services of an administrator to assist in the administration of the trust. All costs, fees, taxes or other amounts shall be paid by the trust. The trust agreement may impose such other reasonable duties, powers, provisions, and dispute resolution clauses as may be deemed appropriate. Nothing herein provided for shall preclude the public entity from devising other supplemental funding mechanisms for the exclusive benefit of the trust established for the benefit of the injured party and any such supplemental funding mechanisms shall not be used to determine the present value of the reversionary medical trust.

I. *Shall* denotes the imperative, the mandatory.

J. *State governmental entity* means the state or any branch, department, office, division, commission, council, board, bureau,

These rules shall become effective April 20, 1986, and are to remain in force until amended or rescinded.

Stephanie L. Alexander  
Commissioner

committee, institution, agency, state government corporation, or other establishment or official, officer, or employee thereof. The commissioner, the attorney general and his assistants, and the Office of Risk Management are included in this term. Political subdivisions, as defined in Article 6, Section 44(2), of the Louisiana Constitution, shall not be included within this term, but may acquire structured payment plans, in accordance with R.S. 13:5114(G), at their discretion and with their funds by adopting similar procedures as provided herein for state governmental entities.

K. *Structured settlement firm* means any individual, partnership, corporation, unincorporated association, company, joint stock company, joint venture, or any legal person or entity engaged in the business of rendering structured settlement services whether for the right, opportunity, or hope of acting as a commissioned agent or broker in the purchasing of any insurance annuity and/or other investment to be used in a structured payment plan or not.

L. *Structured payment plan or plan* means a method by which the public entity held liable for damages, or the public entity which agrees to compromise a cause of action for damages, is held responsible. The plan may include immediate payments and the funding of an investment, the principal and fruits of which are to be used to pay in future years damages in accordance with the terms of the plan. Such plans may include, but shall not be limited to, cash payments, annuities, trusts, reversionary medical trusts, qualified assets as defined by Section 130 of the United States Internal Revenue Code (26 USC Section 130), or any combination of them.

M. *Structured settlement services* means the furnishing of labor, time, or effort to a party against whom a legal action has been filed or a claim for damages or other monetary value has been made or to the attorney for such party for the purpose of attempting to resolve such action or claim by the use, in whole or in part, of a structured payment plan. Such services may include consultation; negotiation; preparation of information, data, or arguments for negotiation; for hearings or for other decision-making activities on possible structures; the ascertainment of availability of various possible structured payment plans and the costs thereof; the purchase of insurance annuities or other investments, as a commissioned agent or broker or otherwise, to be used in a structured payment plan; and/or the preparation of quotes, reports, and/or other records in connection with these services.

N. *Using agency* means any state governmental entity which has the procedural capacity to be sued in its own name, which has been sued in an action for damages or other monetary value or has been notified that there is an outstanding claim for such damages or value being made against it, and which seeks to compromise such liability by the use, in whole or in part, of a structured payment plan or has been actually cast in a judgment of liability incorporating a structured payment plan.

### Chapter 3. Structured Settlement Services

#### §301. Qualifying Criteria for Acceptable Structured Settlement Firms

A. A structured settlement firm desirous of rendering structured settlement services to a state governmental entity shall first meet the following criteria and possess the following qualifications:

1. It shall have been, for at least three immediately preceding and successive years, successfully engaged in the business of rendering, to private attorneys, to private entities or persons, or to attorneys or entities of local governments or governments of other jurisdictions, the same or substantially similar structured settlement services as defined in this Part.

2. It employs at least one person who has actually been, for a period of three successive years or more, successfully en-

gaged in performing the same or similar structured settlement services as defined in this part and who will personally supervise the rendering of any such services to every state governmental entity receiving them from such firm.

3. It shall be able to make such purchases as agent or broker from at least three plan offerors which meet the qualifying criteria for plan offerors and providers established in these rules and regulations and with none of which it has an ownership, equity, capital, or proprietary relationship or interrelationship whatsoever.

4. It shall furnish good and sufficient recommendatory references as follows:

a. five persons or entities to whom it has actually rendered successful and satisfactory services relating to structured payment plans within the past three years.

b. five financial references whose ownership, equity, capital, or proprietary relationship or interrelationship with or other interest in such structured settlement firm, if any, is fully disclosed to the Office of Risk Management together with or prior to the recommendation(s) made by any such reference.

5. It shall be otherwise qualified to do business in the State of Louisiana generally and shall have promptly paid all taxes due to the State of Louisiana as provided by law.

#### §303. Application, Investigation, Verification, List-Keeping of Qualified Structured Settlement Firms

A. Any structured settlement firm meeting the qualifying criteria set forth therefor in these rules and regulations and desiring to render structured settlement services to a state governmental entity shall first submit an application to the Office of Risk Management on a form to be approved by the commissioner and obtain from the Office of Risk Management a notice of verification of its meeting all qualifying criteria. Such application shall state the bases for and provide all information relevant and material to its meeting all such qualifying criteria.

B. Within a reasonable period, not to exceed 120 days, after receipt of such application, the Office of Risk Management shall investigate applicant's qualifications and have sent applicant notice of either verification of its meeting all qualifying criteria or rejection of the application based on failure to meet all qualifying criteria. Such notice of rejection shall indicate in what particulars the applicant failed to meet the qualifying criteria.

C. The Office of Risk Management shall maintain a list of all structured settlement firms whose applications and qualifying criteria have been verified.

D. For any reason and at any time whatsoever, the Office of Risk Management may inquire, investigate, and/or update an investigation into the continuing qualification of any structured settlement firm and may request of such firm any additional information, data, or references relevant thereto.

#### §305. Grounds for Removal from List

A. A structured settlement firm shall be removed from the list maintained by the Office of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, on the following grounds:

1. It no longer meets all qualifying criteria in fact.

2. It fails, in accordance with Subsection B of this Section to produce sufficient proof to the Office of Risk Management, upon the request thereof, that it continues to meet all qualifying criteria.

3. It violates any of these rules and regulations.

4. It engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. If at any time the Office of Risk Management discovers

that a structured settlement firm which has been already verified as to qualifying criteria and is currently on the list of such firms meeting qualifying criteria has become no longer qualified to render structured settlement services to state governmental entities, then the Office of Risk Management shall issue a notice of such discovery to such firm. If the firm fails to provide to the Office of Risk Management proof of its continuing to meet all qualifying criteria as provided in these rules and regulations within 30 days after such notice is sent, the firm shall be removed from the list and shall not be acceptable as a qualified structured settlement firm.

### **§307. Selection of Structured Settlement Firm for Structured Settlement Services**

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall select, only from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be sent to the Office of Risk Management for information and monitoring.

B. Whenever the attorney general is consulted pursuant to the provisions and requirements of R.S. 13:5114(C) or whenever the attorney for a using agency is one whose professional services were contracted for with the approval of the attorney general or commissioner of administration, as may be provided by statute, then the selection of the structured settlement firm by the attorney representing the interests of the state shall be with the consent of the commissioner of administration or the assistant commissioner of administration designated by her for such purpose.

### **§309. Qualified Plan Offerors and Providers**

A. Only annuities, trusts funded with obligations of the United States of America, and reversionary medical trusts will be used to finance the future payments to be made in all structured payment plans used by any state governmental entity.

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued *Best Insurance Reports*, a rating of "A + " with a classification of "XII" or higher.

C. Trusts funded with obligations of the United States of America shall be established only with financial institutions which have (1) the corporate or other power and authority to administer the trust sought to be established, (2) a trust department, division, or office which is then administering at least \$20,000,000 in trust assets, and (3) at least one trust officer or employee who has been successfully engaged, for a period of five or more years, in administering the kind of large trusts which contain \$1,000,000 or more worth of assets each.

D. Reversionary medical trusts shall be established only with financial institutions which meet the qualifying criteria set forth in Subsection C of this Section for trusts funded with obligations of the United States of America and which also have the ability to establish a system, through consultants or otherwise, to accomplish, at least competently as exists among prudent health and medical insurers, the review, evaluation, and approval or rejection,

as appropriate, of all medical requests submitted by beneficiary for payment.

E. No plan offeror or provider shall have any ownership, equity, capital, or proprietary relationship or interrelationship with any structured settlement firm which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim and which has proposed to contract as an agent or broker with such plan offeror or provider for any annuity, trust, or other investment product or opportunity to finance a structured settlement plan with respect to such legal action or claim.

F. The Office of Risk Management will not maintain a list of qualified offerors or providers. It shall be the duty of the structured settlement firm to exercise due diligence in certifying that only qualified plan offerors and providers are dealt with in accordance with these rules and regulations. The Office of Risk Management shall maintain, however, a list of plan offerors or providers which might otherwise meet the qualifications and criteria of this Section but which have been disqualified under §313 of these rules and regulations. A copy of this list shall be made available to any qualified structured settlement firm upon request and upon payment of the requisite fee. The failure of a structured settlement firm to deal with and accept quotes and/or offers only from qualified plan offerors and providers shall be a violation of these rules and regulations and grounds, under §305 of these rules and regulations, for removal of such firm from the list maintained by the Office of Risk Management of acceptable structured settlement firms.

### **§311. Selection of Plan Providers from Among Plan Offerors**

A. A structured settlement firm which is qualified under §301 of these rules and regulations and which has rendered or is rendering structured settlement services to a state governmental entity or to the attorney thereof in a particular legal action or claim being resolved, in whole or in part, by a structured payment plan shall select the plan providers as provided hereinbelow for the implementation of such plan. Such selection shall be made only in accordance with the following conditions and procedures:

1. the structured settlement firm has obtained cost and availability quotes from not less than three qualified plan offerors on each annuity or trust to be used in the plan, unless after diligent search there are not three qualified plan offerors willing to provide the particular trust or annuity sought to be established and then in that case the full details of the search and its results shall be reported to the Office of Risk Management, and the best evaluated annuity and/or trust considering cost, performance, and stability is proposed to be selected; and

2. notice and the details of each such quote, each plan offeror's qualifications, and each proposed selection have been received by the Office of Risk Management; and

3. no objection by the Office of Risk Management has been received by the structured settlement firm within three days, excluding holidays and weekends, after the receipt by the Office of Risk Management of the notice and details of each quote, each plan offeror's qualifications, and each proposed selection; and

4. either (a) the plan has received the approval of the Joint Legislative Committee on the Budget and the notification thereof has been made upon the Office of Risk Management or (b) a legislative enactment making a specific appropriation to fund the particular structure payment plan makes such funding executory without the need for further approval from the Joint legislative Committee on the Budget; and

5. properly appropriated funds for payment of the judgment or the structured payment plan are made available therefor.

B. Only the qualified plan offeror(s) offering and quoting the best evaluated annuity, trust and/or other investment product

or opportunity which is available and which meets all the requirements, conditions, and specifications of the structured payment plan shall be selected as the plan provider(s). The details of the proposed selection shall include, as a minimum, an evaluation of each offering and quote considering the cost, performance, and stability thereof and the reasons that the offering(s) and quote(s) proposed to be selected will best serve the state's interests.

C. In addition to a sworn statement that there is no ownership, equity, capital, or proprietary relationship, no interrelationship whatsoever between the structured settlement firm and each offeror, the details of each offeror's qualifications shall also include, as a minimum, the following:

1. with respect to each offeror which is an insurer offering an annuity, the date of the most recently published *Best Insurance Report* and the page(s) therein on which such insurer's rating and classification are reported.

2. with respect to each offeror which is a financial institution offering a trust funded with obligations of the United States of America,

a. a description of the overall organization, charter, purposes, and fields of business and financial endeavors of the financial institution and of the trust department, division, or office which will actually administer the trust and the value of trust assets being administered by such department, division, or office. If the most recently issued financial statement of such financial institution contains and fairly represents this information, then a copy of such financial statement shall suffice for such information;

b. the full names of the executive personnel of the trust department, division, or office which will actually administer the trust and synopses of their respective educational backgrounds and professional experience;

c. a summary of the experience of that financial institution and of its principal trust officers and employees in administering trusts which are similar to the one sought to be established for the structured payment plan, including all relevant information and data concerning such performance indicators as the yields on trust investment, the payouts to beneficiaries, and the planned, anticipated and the unplanned, unanticipated depletion or growth of trust corpus as a result of unwise or wise management and/or imprudent or prudent investment and also including, as a means for verification, the names and addresses of the makers (especially makers which are federal, state, or local public entities) and the beneficiaries of such trusts (unless such names and addresses are confidential or privileged under law or by prior agreement between the financial institution and the parties to such trusts);

3. with respect to each offeror which is a financial institution offering a reversionary medical trust,

a. the same information, descriptions, and summaries as are required in Paragraph (2) of this Subsection for financial institutions offering a trust funded with obligations of the United States of America but made applicable to reversionary medical trusts;

b. the particulars on the system whereby beneficiary medical requests will be reviewed, evaluated, and approved or rejected, as appropriate, including the names and addresses of the persons and/or consultants who will actually perform these functions, a history of their respective educational backgrounds and professional experience, a history of their past performance of these functions (including, but not limited to, all relevant information and data concerning such performance indicators as the efficiency and effectiveness of beneficiary medical request monitoring and review, the promptness with which beneficiary medical requests are acted on and, if approved, are paid, circumstances wherein additional injections of funds into the trust corpus after the inception of the trust, if provided for in the trust agreement, become necessary, and the final outcome or resolutions of situations where

there are refusals to pay or rejections of beneficiary medical requests), and an evaluation of their past performance of these functions.

D. Properly appropriated funds for payment of the judgment or the structured payment plan refer to funds available for such purpose under the constitution or law and includes funds appropriated by any specific appropriation of the legislature to pay a judgment, compromise, or structured payment plan; funds from the final judgment fund when the amount of payment to satisfy the judgment meets the conditions and criteria of such fund; and/or any pool of funds appropriated by the legislature to finance structured payment plans.

### **§313. Disqualification of Plan Offerors and Providers**

A. Notwithstanding the fact that an insurer meets the qualifications and criteria of Subsection B of §309 of these rules and regulations and/or that a financial institution meets the qualifications and criteria of Subsection C and/or Subsection D of §309 of these rules and regulations, any plan offeror or provider, including such insurer and/or such financial institution, may be disqualified by the Office of Risk Management from thenceforth making offers to provide and/or providing any annuities, trusts, or other investment products or opportunities to finance, in whole or in part, any structured settlement plans for any state governmental entities, upon any of the following grounds:

1. it violates any of these rules and regulations;

2. it engages in any criminal activity, acts involving moral turpitude, fraud, or misrepresentation, including, but not limited to, the making of any material misrepresentation in any reports, notices, applications, statements, quotes, offers, policies, contracts, or documents required by these rules and regulations or by law to be filed with or sent to any state governmental entity or any attorney thereof.

B. The Office of Risk Management shall maintain a list of plan offerors and providers which have been disqualified under this Section. Such list shall be open to the public for inspection during regular office hours.

## **Chapter 5. Insurance Policies, Trust Contracts, and Other Evidence of Obligations Implementing Structured Payment Plans**

### **§501. Depository for Annuities**

The State Treasurer's office shall be used as the depository for all annuity policies, trust policies, trust contracts, and other evidence of obligations used to implement structured payment plans and purchased pursuant to the rules and regulations set forth herein and the structured judgment or compromise documents. These documents shall be retained until final satisfaction of such judgment or compromise.

## **Chapter 7. Administrative Procedures**

### **§701. Dissatisfaction with Structured Settlement Firms and/or Plan Providers**

Any state governmental entity or any attorney therefor dissatisfied with the performance of any structured settlement firm or with any plan offeror or provider or any recipient dissatisfied with the performance of any plan provider in any plan in which he is the recipient may report the grounds for such dissatisfaction in writing to the Office of Risk Management which may take any action authorized by law or by these rules and regulations to attempt to rectify the situation. Such reports shall be retained by the Office of Risk Management for additional use as support for any needed future changes in these rules and regulations.

### **§703. Appeals from Decisional Acts of the Office of Risk Management**

A. Appeals to the commissioner from the Office of Risk Management may be taken in accordance with the procedures and delays set forth in this Section:

1. by a structured settlement firm  
a. regarding its removal from the list maintained by the Office of Risk Management of acceptable structured settlement firms meeting all qualifying criteria, or

b. regarding the refusal or failure of the Office of Risk Management to place such firm on such list, after such firm has properly submitted a completed application therefor and either the delay for notification has elapsed or such firm has received a notification of rejection.

2. by a plan offeror or provider regarding its disqualification under §313 of these rules and regulations.

B. All appeals provided for in this Section shall be taken within 14 days, exclusive of holidays and weekends, after the action complained of. The commissioner may extend this period for good cause shown, if a request for extension is made in writing to the commissioner within this initial 14 day period.

C. All appeals provided for in this Section shall be taken by the appellant's filing a written document of appeal with the commissioner. Such document shall include as exhibits copies of all relevant letters, applications, notices, and other writings and shall contain, as a minimum, the full name and address of the appellant, its chief executive officer, and, if it is being represented by legal counsel, the full name(s) and address(es) of its legal counsel, a simple statement of the action of the Office of Risk Management being appealed from, the date on which such action occurred, and a concise presentation of the grounds for the appeal and the reasons for appellant's contention that the action being appealed from should be modified or reversed. The commissioner shall allow the Office of Risk Management to respond in writing to each appeal. A copy of the appeal shall be served on the Office of Risk Management, and a copy of a response by the Office of Risk Management shall be served on the appellant or its legal counsel of record in the appeal. The commissioner may then decide the appeal summarily on the basis of the documents and writings presented, may require additional evidence and/or argument or may hold formal or informal hearings, as the commissioner deems necessary for a just decision.

#### **§705. Appeals from the Commissioner**

Appeals from the commissioner shall be made to the Nineteenth Judicial District Court, Parish of East Baton Rouge, in accordance with the provisions of R.S. 49:950 et seq.

Darrell Hunt  
Executive Assistant Commissioner

### **RULE**

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

Amend Rule LAC 46:LIII.301

#### **§301. Examination**

A. The Board Licensure Examination shall contain questions to ascertain the competency of the applicant to practice Pharmacy in the state. The examination may consist of questions in Pharmacology, Chemistry, Calculations, Pharmacy, Jurisprudence, Practical Pharmacy, and any other subjects and/or tests as the board may deem necessary.

B. The minimum passing grade shall be 75.

Howard B. Bolton  
Executive Director

### **RULE**

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

Adopt Rule LAC 46:LIII.2901-2965

## **Chapter 29. Adjudication Procedures**

### **§2901. Jurisdiction**

#### **A. Person**

1. The Louisiana Board of Pharmacy has authority over "the person" licensed or registered pharmacist practitioner or pharmacy permittee authorized to operate a pharmacy in the state of registrant.

2. A person is an individual, partnership, corporation or association licensee, registrant or permittee authorized to practice pharmacy or operate a pharmacy in the state under the Louisiana Board of Pharmacy.

3. Jurisdiction over the person is designed to protect the public welfare and safety regarding the competence, qualification, and fitness to practice pharmacy or operate pharmacies.

#### **B. Subject Matter**

The Board of Pharmacy has jurisdiction over "the subject matter" concerning the dispensing, selling, bequeathing, or diverting of drugs safely as not to endanger the public by unqualified person in non-compliance with the board, state or federal statutes, regulations or policy.

#### **C. Board Authority**

Rules adopted pursuant to the Louisiana Pharmacy Law, R.S. 37:1178(1) (rule making authority), the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. (practice authority) regarding pharmacy related disciplinary due process hearings.

### **§2903. Venue**

A proceeding shall commence in the parish at a regularly called board meeting.

### **§2905. Summons**

#### **A. Notice**

The board initiates a hearing by issuing a summons. The summons notice shall be forwarded to the respondent commanding his presence to appear before the board, setting forth the following.

#### **B. Scope**

1. The notice shall include: respondent's name and address;
2. the notice shall state: the designated time, date and place;
3. the notice recites: the allegations establishing a cause of action and nature of hearing;
4. the notice shall make references to particular board, state or federal sections of statutes, rules, policy or ethical code involved in alleged violations;
5. notice shall cite legal and jurisdictional authority for alleged violation;
6. notice shall include supporting document and report.

#### **C. Service, Method and Time**

Service of summons may be made by registered, certified mail with a return receipt requested or board or court designated process servers and confected by tendering the summons to the respondent personally or domiciliary 15 days prior to the date of the hearing to the last know board address.

#### **D. Default Proceeding Absence**

The board may proceed with a hearing in the absence of a respondent after due service or a delinquent effort has been made to perfect service on the licensee and/or permittee's last known address.

### **§2907. Subpoenas**

A. The board is empowered by statute to issue subpoenas upon written request by respondent or special counsel.

B. Subpoena or Subpoena Duces Tecum shall be served domiciliary or personally, on a person or a business, by registered, certified mail, return receipt requested, or by a board or court designated process server prior to hearings.

### C. Subpoena-Witnesses

The board may issue subpoenas for the compulsory attendance of witnesses at a hearing to appear on behalf of the board special counsel, respondent licensee or permittee upon satisfaction of cost. Subpoena request shall be reasonable in terms of relating to the pending matter under consideration and witnesses may be compensated for attendance by verified reasonable cost.

### D. Subpoena Duces Tecum

A Subpoena Duces Tecum may be ordered by the board to produce at the hearing any books, papers, documentation or any other tangible things in his possession or control on behalf of special counsel or respondent upon written request and satisfaction of cost.

### E. Subpoena Return

The Board may petition a court of competent Jurisdiction for a contempt rule to show cause for non response when there is a failure to comply with a subpoena.

## §2909. Answer

An answer to the complaint may be filed in response to a summons notice and shall be verified by the respondent and state in concise terms the defenses to each allegation either admitted or denied.

## §2911. Rights to Counsel

The respondent licensee or permittee in every instance shall be permitted to have the assistance of an attorney in responding to the board complaints and appearances before all board hearings.

## §2913. Discovery-Inspection

The special prosecuting counsel or respondent may, no later than five days prior to the hearing, pursue discovery within the scope of a summons by deposition, interrogation or inspection upon written motion which is admissible in informal/formal proceedings.

## §2915. Scientific Test Report

Official notice may be taken of generally recognized technical or scientific facts, tests and reports during an informal or formal proceedings.

## §2917. Joinder/Incorporation

Several board complaints may be joined or incorporated. The board may join a respondent licensee or permittee in the same or similar complaints based on the same or similar acts or transactions or connected in a common plan or scheme.

## §2919. Consolidation

Respondent licensee and permittee hearings shall be held jointly to assure a fair due process hearing. All alleged violations may be consolidated for administrative hearing.

## §2921. Severance

A severance of complaints is permitted when a fair due process hearing will not be satisfied, otherwise, respondent hearings regarding complaints may be held jointly.

## §2923. Motions

### A. Pre/Post Hearing Motions

Are requested to the board or presiding officer for particular relief or action before or after a hearing and shall be in writing, and allege specifically the grounds upon which the relief is based, and verified by affidavit of respondent and filed with the board five days pre-hearing or within ten days post-hearing.

### B. Hearing Motions

1. Oral or written motions may be advanced to the presiding hearing officer during a hearing at an appropriate time.
2. Hearing motions are directed to the administrative presiding hearing officer and disposed of appropriately.
3. Alternatively the presiding hearing officer may refer the pending motion to the board during a hearing for disposition.

## §2925. Continuance Motion

### A. Scheduled Hearing - Postponement Motions

The board may grant a continuance based upon critical extenuating circumstances that would obliterate a fair and expeditious due process hearing. *Continuance Motions* shall be filed five days prior to the hearing in writing with specific grounds.

## §2927. Recusation

### A. Recusation

A board member or special counsel may be recused on his own motion because he would be unable to contribute to a fair and impartial hearing or may be recused by the presiding administrative hearing officer based on:

### B. Grounds

1. prejudicial or personal interest in the case that impairs him from participating in a formal hearing;
2. employed by respondent licensee or permittee.

C. The board may recuse the presiding administrative hearing officer on his own motion or he may be disqualified based upon his own inability to conduct an impartial hearing by the filing of an affidavit of specific grounds five days prior to the hearing.

## §2929. Witness Sequestration

Upon request by either respondent or special counsel, witnesses shall be sequestered and not allowed in the hearing chambers or permitted to discuss their testimony with other witnesses.

## §2931. Adjudicatory Dispositions

A. The board shall have the authority to impose the following sanctions:

1. revocation of the privilege to practice pharmacy or operate a pharmacy in the state;
2. refusal to renew pharmacy/pharmacist license/permit registration in the state;
3. suspension of the privilege to practice or operate a pharmacy in the state;
4. stipulations or conditions imposed to limit pharmacy practice/pharmacy operations in the state;
5. censure;
6. reprimand; and
7. no action.

B. Sanctions Guidelines - The sanctions assessed by the board shall be based on the following:

1. nature of violation and its seriousness;
2. degree of culpability; knowledge/intent or reason to know;
3. scope of circumstances;
4. history of prior offenses;
5. prior sanctions;
6. willingness to obey the laws and regulations;
7. sufficiency to remedy the problem.

## §2933. Administrative Investigation

State Board of Pharmacy inspectors shall initiate and conduct a complete investigation and submit their report directed to the designated board office for review.

### A. The report shall include:

1. The respondent, licensee and/or permittee's name and address; and
2. A concise statement of facts and circumstances indicating the basis of the routine or specific complaint or cause of action;
3. Support documents.

## §2935. Hearing Procedure Process

### A. Disciplinary Action

A disciplinary action may be initiated by the receipt of a complaint and/or an administrative investigation conducted by board inspectors. The board will take immediate action upon receipt of complaint or investigatory report.



## B. Initial Report - Grounds

The initial report shall be received by the board's executive director and forwarded to the board's Violations Committee or board's special counsel to determine sufficient grounds for proceeding informally or formally pertaining to pharmacist license or pharmacy permit.

## C. Due Process

Administrative disciplinary hearing proceedings are conducted to best serve the interest of justice.

## D. Purpose

The Board of Pharmacy or designee has responsibility to conduct a fair constitutional due process informal or formal hearing and render a decision based on the evidence received during the proceedings. The purpose of the administrative hearing is for the board or designee to determine contested issues of law and fact.

## §2937. Violation Committee Inquiry

### A. Composition

The Violation Committee composed of four board members shall receive complaints and administrative inspectors report then review and evaluate findings and determine the nature and disposition of the alleged violation that may be directed to the:

1. special administrative hearing panel;
2. formal administrative hearing board;
3. special counsel for institution of a formal or informal proceedings;
4. violation committee informal inquiry.

### B. Guidelines

The Violation Committee shall receive and review the administrative inspectors report based on the following and determine the disposition of the pending matters:

1. seriousness of the alleged offense;
2. extent of alleged violations;
3. history of prior violations;
4. prior sanctions;
5. willingness to obey the law and regulations;
6. consider sanctions as a deterrent to violations;
7. sanctions sufficient to remedy the problem.

### C. Disposition

The Violation Committee may conduct an informal non-adversarial hearing with the respondent receiving adequate prior notice of the inquiry regarding the issues to be discussed and receive facts then deliberate as to the basis for a cause of action in an effort to acquaint the practitioner or permittee of a potential violation or alternatively may recommend a course of action or no action by an affirmative majority vote.

1. Notice—Respondent shall receive a copy of the report with a statement pertaining to the nature of the complaint.
2. Authority—A reference of the particular sections of the statute, rules and/or ethical standards to be addressed.
3. Cooperation—A request for the Respondent's cooperation in obtaining a full understanding of the circumstances.
4. Views—Respondent shall be afforded an opportunity to present his relevant views of the situation pertaining to the inquiry.
5. Compliance—The committee shall evaluate their findings of the informal inquiry and shall forward their recommendations of compliance to respondent or recommend other courses of action or determine that the complaint has no basis in fact.
6. Disclosure—Respondent's statement may not be introduced into the record at a subsequent formal hearing.
7. Recusal—Violation Committee members shall not be permitted to participate in subsequent formal administrative board hearings.
8. Transcript—Violation Committee inquiry transcript shall not be available.

## §2939. Special Administrative Hearing

### A. Special Administrative Hearing Committee

The Special Administrative Hearing Committee shall be composed of the president or vice president, Violations Committee Chairman, Reinstatement Committee Chairman, and Impaired Pharmacist Committee Chairman. Advisory members to this committee shall be the executive director and legal counsel to the board. The committee may conduct interim administrative proceedings that require immediate attention at a time and place upon proper notice, between regularly scheduled board sessions and render interlocutory orders to be sequently affirmed by the board based on an affirmative majority vote of the panel.

B. The Special Administrative Hearing Committee may conduct the following proceedings between regularly scheduled board meetings.

### C. Preliminary Hearing

Preliminary Hearing may be held to determine the need and gravity for a formal hearing based on substantial questions.

### D. Summary Suspensive Hearing

The Administrative Hearing Committee may suspend a pharmacist/pharmacy license, permit, registration prior to a formal administrative board hearing wherein the committee judgement reflected by an affirmative majority decision that a pharmacist and/or pharmacy practice/operation poses a danger to the respondent and/or the public health, safety and the danger requires emergency action.

1. Notice—Summary proceeding notice shall be served five days before the scheduled hearing to afford the respondent an opportunity to be heard with respect to the summary suspension. The notice shall contain a time, place, nature, and grounds asserted relative to the alleged conduct to warrant summary suspension.

2. Burden of Proof—Special counsel shall have the burden of supporting the contention that the public health, safety or welfare requires emergency action.

3. Evidence—The respondent shall have the right to appear personally and/or represented by counsel to submit affidavits and/or documentary evidence in response to the grounds asserted as the basis for the summary suspension and make oral argument.

4. Decision—The committee shall determine whether to grant or deny the summary suspension by affirmative majority vote based upon a finding that the public health, safety or welfare requires emergency action.

5. Report—Submit the committee findings and interlocutory summary order to the board.

6. Suspensive Duration—The summary suspension of a pharmacist's or pharmacy's license or permit or registration shall be followed by a formal administrative hearing at the next regularly scheduled administrative board session.

### E. Diversionary Hearings

Diversionary proceedings may be conducted in executive session predicated on the nature of the violation or complaint that would warrant alternative disposition or sanction; such as impaired pharmacist.

F. 1. Violation—Probation violation proceedings shall be initiated upon receipt of the administrative inspectors confirmation report indicating that the respondent may be in violation of any terms or conditions of probation.

2. Review—The Special Administrative Hearing Committee shall receive and review the inspectors reports and then determine whether a probation violation proceeding is warranted. Notice shall be afforded the respondent of the allegation forming the basis of the alleged violation status.

3. Notice—The respondent shall be summoned to appear at the time and place not less than five days prior to the hearing to

appear and respond to the alleged probation violation summons before the Special Administrative Hearing Committee.

4. Disposition—The Special Administrative Hearing Committee shall determine the disposition of the pending probation violation matter by affirmative majority vote based on evidence received at the hearing conducted on the finding of fact and conclusion of law, may revoke the probation thus actively suspending pharmacist or pharmacy license/permit registration to practice or operate a pharmacy in the state by interlocutory order or dismiss the pending probation violation complaint and transmit their findings and determination to the board.

#### **§2941. Formal Administrative Hearing**

##### A. Authority

The board shall avail a formal fair constitutional administrative hearing pertaining to proprietary rights or privilege to practice pharmacy or operate a pharmacy conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966 with authority to revoke, refuse to renew, suspend, conditions imposed to limit pharmacy practice or operation censure or reprimand.

##### B. Hearing - Time - Place

Formal board disciplinary public proceedings may be initiated upon proper notice and held at a designated time and place pertaining to the following.

##### C. Nature

Sufficient investigatory seriousness to require a formal hearing directed to special counsel for administrative prosecution.

1. Grounds—Upon the board's belief that there is sufficient grounds to justify further actions.

2. Non-response—Failure to respond to an informal violation committee inquiry hearing.

3. Irresolvable Issue—Informal violations committee hearings failed to resolve all issues and requires further formal action.

4. Irreconcilable Issues—Special Administrative Hearing Committee failed to resolve all issues thus requiring further formal actions, or reaffirmation of interlocutory order or administrative due process formal hearing requirement.

##### D. Formal Hearing Procedures

##### E. Hearing Order

1. Convene Board Hearing—The Administrative Board Hearing convenes when the proceedings are called to order.

##### F. Administrative Judge

The presiding hearing officer or administrative judge may be the board president or vice president or board designee with the responsibility to conduct an orderly and fair proceedings with the authority to:

1. Rule—on motions and procedural questions arising during the hearing such as objections or admissibility of evidence;

2. Subpoena—issue subpoena;

3. Oaths—administer witness oath;

4. Recess—call recess;

5. Decorum—maintain order;

6. Conduct—enforce a standard of conduct to insure a fair and orderly hearing;

7. Remove—remove person from hearing in the event of a disturbance.

##### G. Administrative Hearing Jury

Decision Process - The board comprised of a quorum of membership shall serve as an administrative jury to hear and determine the disposition of the pending matter based on the finding of fact and conclusion of law regarding allegations by receiving evidence and reaching a decision and/or ordering sanctions with an affirmative majority record vote of board members participating in the decision process. Once a formal hearing has been initiated and notice served, board members participating in the deci-

sion process should not communicate with a respondent or attorney concerning any issue of fact or law involved in the formal hearing.

##### H. Administrative Hearing Clerk

Administrative Hearing Clerk shall be the board's executive director and shall maintain administrative hearing records.

##### I. Administrative Prosecutor

Special counsel shall prosecute the pending matter and bear the burden of proof to be presented to the formal hearing board.

##### J. Administrative Reporting

Court stenographer shall record all testimony dictated and evidence received at the hearing.

##### K. Docket

Docket Call - contested matters shall be identified by reference docket number and title in respondent caption. The administrative clerk shall announce the docket and identify the person present or absent in the hearing chambers.

##### L. Prehearing Conference

A respondent or their attorney in a matter pending before the board may be directed by the presiding administrative hearing officer to appear at a prehearing conference to consider the simplification of the issue, admission of facts or stipulation of documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

##### M. Complaint

Complaint shall be read at an open hearing and may be waived by respondent.

##### N. Oath

All testimony shall be given under oath administered by the presiding hearing officer.

##### O. Nola Contendra

Plea may be tendered whereby the respondent shall submit the matter based upon the entire record of the pending issues to the board for disposition.

##### P. Opening Statement

Opening statement by special counsel will be allowed for a brief position statement and outline of evidence he proposes to offer then respondent or his attorney shall be allowed a defense position statement.

##### Q. Evidence

All parties shall be afforded an opportunity to present evidence on all issues of fact and argument on all issue of law and respond followed with cross examination as may be required for a full and true disclosure of the facts. The direct presentation of evidence shall be introduced by special counsel and followed by respondent's in proper person or attorney by direct and/or cross examination and/or rebuttal.

##### R. Objections

Objections to evidentiary offers may be made and ruled upon by the presiding hearing officer and noted for the record.

##### S. Closing Arguments

The closing arguments may be made by respondent in proper person or attorney and then special counsel.

##### T. Decision

The board decision shall be based on finding of fact and conclusion of law, in whole or part.

1. Rights—Constitutional guarantee provides the respondents a right to a due process hearing and decision based on evidence presented at the formal administrative proceeding.

2. Supportive Facts—the board must determine whether the facts in the case supports the charges brought against the respondent regarding violation or attempted violation or conspiracy to violate any state, federal or pharmacy law, rules, regulations, policy and/or ethical code pertaining to the practice or operation of pharmacy.

3. Evidence - Vote—the board's decision shall be based

on the evidence presented at a formal hearing by an affirmative majority vote of the board members participating in the decision process that is recorded and made part of the record and the board's determination of appropriate sanctions.

U. Board - Order

The board order shall be rendered at an open hearing and then served personally or domiciliary upon the respondent's last known address by registered/certified mail attempted or delivered within 30 days.

V. Order Final

The board's order becomes final 11 days after decision is rendered in open hearing or in the event the matter is taken under advisement 11 days after receipt of notification provided appeal is not filed.

**§2943. Evidence/Rule**

A. Burden - Degree

The burden of proof rests with the special counsel and the degree of proof shall be clear and convincing in order to support the board decision.

B. Purpose

The purpose of the evidence presented during a hearing is to provide sufficient facts for the board to reach a decision.

1. Rule Interpretation—Liberal rule of evidence shall be employed by the board to provide the facts and law necessary for the board to deliberate and decide each case. The board's administrative hearing shall not be bound to restrictive or strict rules of evidence.

2. Admissibility—Admissibility of evidence shall be determined by the presiding hearing officer as provided by law.

3. Privilege Rule—Privilege communication shall be excluded as to evidence, such as attorney or physician and religious disclosure without consent.

4. Evidence Exclusion—Evidence that is irrelevant, immaterial, incomplete, inaccurate, unsubstantiated or repetitious may be excluded by the presiding hearing officer.

5. Exhibits—The presiding hearing officer shall receive or exclude exhibits with proper foundation and identify documentary or physical evidence in the record.

**§2945. Oath or Affirmation**

Before testifying, a witness shall be sworn under oath or affirmation by the presiding board officer.

**§2947. Record**

A. Transcriptions

A complete case record of all formal hearing proceedings shall be transcribed, maintained and available upon written request and cost satisfied. The record of the formal proceeding shall be maintained until the appeal period has been exhausted.

**§2949. Administrative Sanctions Imposed**

A. Board Order

The board shall determine the findings of fact based on evidence to support the allegation presented at the hearing and the conclusion of relevant law or regulation and advance a decision by majority recorded vote.

B. Disposition

Lastly, upon the finding of fact, conclusion of law and decision, appropriate sanction may be imposed in one or more of the following manners:

1. revocation of the privilege to practice or operate a pharmacy in the state;
2. refusal to renew pharmacy/pharmacist license/permit registration in the state;
3. suspension of license, permit or registration to practice pharmacy or operate a pharmacy in the state for a determined term or in a determination period subject to probation and supervision;

4. restrictions or conditions imposed to limit pharmacy practice/pharmacy operations in the state;

5. censure;

6. reprimand;

7. dismissal.

**§2951. Probationary Sanction**

A. Conditions - General or Specific

In instances where the board determines a suspension to be in the best interest of the public, the profession and the respondent licensee or permittee, the board may in its discretion suspend the imposition of a sanction and place the respondent licensee or permittee on probation with general or special terms and conditions of probation as the board deems appropriate, including the imposition of assessments for the payment of administrative hearing costs.

**§2953. Dismissal of Complaint**

A. Dismissal

Special counsel or the board in their discretion based upon lack of evidence, may dismiss orally at an open hearing of a pending matter or parts thereof.

**§2955. Contempt**

A. Subpoena or Board Order Contempt

Failure to comply with a board subpoena or order, duly served, constitutes contempt and the board may petition a court of competent jurisdiction to rule the witness or respondent in court to show cause why he should not be held in contempt of court.

**§2957. Administrative Review**

A. Reconsideration/Rehearing

An aggrieved respondent may file within ten days a reconsideration motion in proper form requesting a rehearing by the board or the Special Administrative Hearing Committee.

B. Grounds

The board or Special Hearing Committee may consider the rehearing motion of the board's decision based on:

1. Contrary—board's decision was clearly contrary to the law;
2. Evidence—newly discovered evidence not available at the time of the hearing which may be sufficient to reverse the board's decision;
3. Issues—issues not previously considered;
4. Public Interest—in the public interest to further consider the issues and the evidence.

**§2959. Judicial Review**

A. Appeal

An aggrieved respondent licensee or permittee may appeal the board decision to a state court of proper jurisdiction and venue.

1. Time—appeal must be filed within 30 days from board order or rehearing motion denial.
2. Suspensive Appeal—an appeal suspends the board order from which the appeal is taken.

**§2961. Reporting**

A. Publication

The Pharmacy Board shall publish in the board newsletter the sanctions imposed at all formal administrative hearings that is of public interest and the public's right to know.

**§2963. Enforcement and Compliance**

A. Injunctive Relief

The board may subscribe to injunctive relief from a court of competent jurisdiction to restrict or enforce board orders.

**§2965. Reinstatement**

A. Revocation

An application for reinstatement based on revocation of a pharmacist/pharmacy license permit or registration in the state may be filed and heard by the Reinstatement Committee initially, then the board to avail a formal hearing whereby the burden of proof

shifts to the applicant to demonstrate and support with substantial evidence, respondent rehabilitation and the reinstatement of license, permit or registration would not pose a danger to the public.

**B. Suspension**

An applicant for reinstatement based on indefinite suspension to practice or operate a pharmacy in the state shall be heard by the Reinstatement Committee initially and subsequently the board to afford a formal hearing whereby the burden rests with the applicant to exhibit evidence of rehabilitation and absence of danger to the public.

Howard B. Bolton  
Executive Director

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Title XIX Medical Assistance Program.

**SUMMARY**

The Medical Assistance Program amends its therapeutic leave day policy for intensive care facilities for the developmentally disabled (ICF/MR and ICF/H) to clarify the limit on payment of bed reservations for recipients who are hospitalized for acute conditions.

The rule published in the *Louisiana Register*, Volume 11, Number 4, dated April 20, 1985, Pages 349-350 contains a technical error in the last sentence of the eighth paragraph of the rule. This rule corrects the sentence which read "Hospitalization for treatment of an acute condition is limited to 15 days per recipient per calendar year." The new sentence under this rule will read: "Payment for bed reservations in SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to 15 days per recipient, per occurrence."

The policy of the Medical Assistance Program has been and continues to limit payment of bed reservations to 15 days per recipient, per occurrence. This rule will not bring about any change in agency activity.

This rule is authorized under 42 CFR 447.45 and Louisiana's State Plan Agreement with the Health Care Financing Administration.

**RULE**

Payment for bed reservation in a SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to 15 days per recipient, per occurrence.

**REGULATORY EXCEPTION**

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

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

**SUMMARY**

This rule amends the reimbursement methodology for inpatient hospital services published in the *Louisiana Register*, Vol.

10, No. 8, Page 623, dated August 20, 1984. Under this rule, the Medical Assistance Program will limit reimbursement for currently exempt units (neonatal/pediatric intensive care, burn and transplant units) to a per diem limitation for discharges reflecting carve out unit (NICU/PICU/burn/transplant) services.

The Medical Assistance Program currently exempts neonatal/pediatric intensive care unit, burn unit and transplant services from the target rate limitation applicable to inpatient hospital services. Reimbursement of NICU/PICU/transplant services is based on allowable costs (routine and ancillary) in accordance with Medicare principles of reimbursement. Reimbursement of burn unit services is the lesser of costs or a per diem limitation based on routine costs only. All other inpatient hospital services are subject to a cost per discharge limitation.

Effective for cost reporting periods beginning October 1, 1985, reimbursement for these carved out services shall be capped with a per diem limitation based on each hospital's first TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) cost reporting period.

Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other department programs may be maintained. This limit is a modification of the original limit of three times the hospital's target rate published as an emergency rule in the August 20, 1985, *Louisiana Register*, Vol. 11, No. 8, Pages 754-755 and notice of intent in the September 20, 1985, *Louisiana Register*, Vol. 11, No. 9, Page 898 which was withdrawn due to advisement by the Health Care Financing Administration (HCFA) of its intent to disapprove the change. It was agreed with HCFA, the Joint Legislative Subcommittee on Oversight and providers that a modification of the limit would be submitted.

Emergency rulemaking has been invoked to implement this policy effective for cost reporting periods beginning October 1, 1985. The emergency rule implementing this change was published in the *Louisiana Register*, Vol. 12, No. 1, dated January 20, 1986. This rule is authorized under 42 CFR 447.252 and amends LAC 50:III.8503 to add item D. 3. f.

**RULE**

**TITLE 50**

**PART III. Medical Assistance Program**

**Subpart F. Payment for Services**

**§8503. Reimbursement Methodology**

\* \* \* \*

**D. 3.**

\* \* \* \*

f. For cost reporting periods beginning October 1, 1985, reimbursement for carve out unit NICU/PICU/burn/transplant costs noted above shall be limited in accordance with a per diem limitation established for discharges reflecting carve out unit services. The per diem limitation shall be calculated based on costs (routine and ancillary) for such carve out unit discharges derived from each hospital's first cost reporting period under the TEFRA (Tax Equity and Fiscal Responsibility Act) cost per discharge limitation (fiscal years ending September 30, 1983 through August 31, 1984). The base period per diem costs for carve out units shall be trended forward using the target rate percentage for hospital inpatient operating costs established by the Health Care Financing Administration (HCFA). For subsequent fiscal years, the limitation shall be inflated by the applicable target rate percentage. Discharge applicable to these carve out units shall be deleted from the total Medicaid discharges prior to calculation of the target rate limitation. Reimbursement for discharges reflecting carve out unit services shall not exceed the per diem limitation and no incentive payment shall be allowed. The target rate per discharge applicable to all other discharges shall be adjusted to reflect any additional

costs carved out as a result of this requirement. The provisions for exceptions and adjustments under this Section shall also apply to the per diem limitation for carve out unit reimbursement.

\* \* \* \*

#### REGULATORY EXCEPTION

Upon final state approval of this proposed rule, implementation shall be dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this proposal by HCFA will automatically cancel the provisions of this rule and currently policy will remain in effect.

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

#### RULE

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

The Department of Health and Human Resources, Office of Family Security adopts the following rule in the Medical Assistance Program.

#### SUMMARY

The Medical Assistance Program amends the Lock-In Program to:

- (1) Require a recipient to remain on lock-in status when case closure or discontinuance is less than four months.
- (2) Require a recipient to remain on lock-in status when the recipient's case is closed in one eligibility category and subsequently certified eligible in another category.
- (3) Require a recipient to remain on lock-in status if the recipient's case is discontinued and the recipient remains eligible for Medicaid benefits following the first month of ineligibility.
- (4) Prohibit a recipient, determined to be an overuser of prescription drugs, from selecting physicians and pharmacists who overprescribe or oversupply drugs.
- (5) Require the decision as to the appropriateness of lock-in for a particular recipient to rest with the Office of Family Security's, Medical Assistance Program.
- (6) Require the recipient's choice of providers to be subject to the review and approval of the Office of Family Security's, Medical Assistance Program.
- (7) Allow immediate lock-in of a recipient if in the opinion of the Peer and Utilization Review Committee and the Office of Family Security the immediate health and welfare of the recipient is threatened by misutilization or overutilization of program benefits.
- (8) Require review by the Office of Family Security or the Peer and Utilization Review Committee of a recipient's drug profile after the first quarter of certification, when the recipient was on lock-in status at the time of case closure or discontinuance and is re-certified for benefits after the fourth month of closure or discontinuance. If lock-in is approved by the Peer and Utilization Review Committee and the agency, the recipient may be placed in the lock-in program.

This rule incorporates, the agency's lock-in policy which was published in the *Louisiana Register*, Vol. 6, No. 4, dated April 20, 1980, pages 114-115. Prior policy is being repealed and replaced to remove interagency procedures and incorporate the above described amendments. This rule amends LAC 50:I.705.

This rule addresses the findings of the Health Care Financing Administration's (HCFA) State Medicaid Operations Report for fiscal year 85. This rule is authorized by 42 CFR 431.54.

#### **§705. Exceptions to Certain Requirements**

\* \* \* \*

B. Lock-in of Recipients who Overutilize Medical Services  
Title XIX (Medicaid) recipients, whose records show a pat-

tern of misuse will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such services. The lock-in program is described below.

1. The term "lock-in" refers to the mechanism whereby Title XIX recipients are placed in a system in which they are able to receive physician and pharmacy services from a specified provider of such services. The lock-in mechanism ensures against misutilization of Title XIX benefits by recipients and/or providers and serves as an educational device in instructing recipients in the most efficient method of using Title XIX services to ensure maximum benefit to their health.

2. Any recipient who is currently eligible for Title XIX benefits and who has shown a consistent pattern of misutilization of program benefits may be placed into the lock-in mechanism. Misutilization may take the form of overutilizing program benefits or unwise utilization of program benefits.

3. Placement of a Recipient on Lock-in.

(a) Potential lock-in recipients will be identified through review of various reports generated by the Medicaid Management Information System, by referral from a provider of services, or by referral from other interested parties, (i.e., general public or local OFS offices). Medicaid Management Information System (MMIS) generated Exception Reports will be reviewed by Peer and Utilization Review Committees if cases referred involve suspected misutilization of pharmacy benefits. Office of Family Security Surveillance Utilization Review (SUR's) staff shall review referral cases in which there appears to be misutilizations of medical benefits other than pharmacy services. The decision as to the appropriateness of lock-in for a particular recipient shall rest with the Office of Family Security's Medical Assistance Program.

(b) If, after reviewing Medicaid Management System Reports, in the opinion of the Peer and Utilization Review Committee or the Office of Family Security (SUR's) staff there appears to be a pattern of misutilization of benefits, the appropriate committee or staff shall contact the involved providers of services by letter to inquire as to the necessity for the treatments or medications believed to be misutilized. A copy of the recipient's Medicaid Management System profile will be forwarded with the letter. If, in the opinion of the appropriate staff or committee, the involved provider offers valid justification for treatments and/or medications provided, no further action toward placing the recipient on lock-in status will be taken. If in the opinion of the appropriate committee or staff the involved provider does not offer adequate justification for services provided or if it appears that the recipient is needlessly receiving like services from more than one provider, the recipient's profile shall be reviewed by the appropriate committee or staff approximately 120 days after the date of the initial clarification letter to involved providers, to determine if the pattern of misutilization has continued.

(c) Upon review of the recipient's profile, after approximately 120 days from the date of the initial letter to involved providers, a determination shall be made as to whether the pattern of misutilization has continued. If there continues to be a pattern of misutilization the recipient shall be placed on lock-in. The 120 day review may be waived, if in the opinion of both the Peer Utilization Review Committee and the agency, the immediate health and welfare of the recipient is threatened by misutilization. In such instances, lock-in may be instituted at the time of inquiry letters to providers. The recipient shall be given timely notice of the decision to lock-in. Such notice shall clearly state the agency's intention to allow the recipient to choose one provider in the pharmacy area and one provider in the physician area and that the Medical Assistance Program will not make payments to physician or pharmacy providers other than those chosen by the recipient subject

to agency review and approval. The recipient will also be informed that he will not be receiving his buff-colored medical identification card by mail, but rather must obtain it through the local Office of Family Security. The letter to the recipient will advise the client to contact his local Office of Family Security as soon as possible so that arrangements may be made for him to receive a medical identification card. When the recipient requires a specialist more than one provider of physician services may be chosen. For the purposes of the lock-in program, a state hospital may be listed as a provider of physician services.

(d) Recipients shall be prohibited from choosing physicians and Pharmacists who overprescribe or oversupply drugs. When the agency cannot approve a recipient's choice of provider(s), the lock-in recipient shall be required to make another selection.

(e) The recipient may choose to appeal the lock-in decision. In such instances, the recipient shall be afforded all agency appeal rights.

(f) Recipients shall be required to remain on lock-in status when:

(i) Case closure or discontinuance is less than four months.

(ii) The recipient's case is closed in one eligibility category and subsequently certified eligible in another category.

(iii) The recipient's case is closed or discontinued and the lock-in recipient remains eligible for Medicaid for any period following the first month of ineligibility.

(g) When a recipient, who was in lock-in status at the time of case closure or discontinuance, is recertified for assistance after the fourth month of closure or discontinuance, the Peer Utilization Review Committee or the agency shall review the recipient's drug profile after the first quarter of receiving assistance. If lock-in is approved by the Peer Utilization Review Committee and the agency, the recipient may be placed in the Lock-In Program.

#### 4. Review of Lock-In Status

On at least an annual basis, either the Peer Utilization Review Committee or Office of Family Security SUR's staff shall review the lock-in recipient's medical assistance benefits management profile to determine if progress has been made in alleviating problems the recipient has in misutilizing program benefits. If in the opinion of the appropriate reviewing authority, progress has been made, the committee may choose to recommend the discontinuance of lock-in status. If the Utilization and Review Committee concurs that discontinuance of lock-in is appropriate, written notification shall be forwarded to the recipient. Written notification will indicate the month of eligibility in which a regularly issued buff-colored medical eligibility card will be forwarded to the recipient. The appropriate reviewing authority shall examine the recipient's profile one quarter after lock-in has been discontinued to assure that misutilization or overutilization of program benefits has not resumed. If in the opinion of the appropriate reviewing authority or the Utilization and Review Committee misutilization or overutilization of benefits has resumed, the recipient shall be placed on lock-in status once again and follow-up on the lock-in situation may be required.

Follow-up on cases in which the recipient does not seem to respond to lock-in status by ceasing misutilization of program benefits shall emphasize the importance of proper use of benefits and may include referral to other agencies (i.e., substance abuse clinics). The local office worker shall not have the responsibility to investigate for fraud or possible criminal activity.

#### 5. Exclusions From Lock-In

The lock-in mechanism does not prohibit the recipient from receiving the services of any enrolled provider who offers services other than physician and pharmacy. In the area of physician and

pharmacy services the following categories are specifically excluded from the lock-in mechanism.

(a) No recipient on lock-in status shall be denied the service of a physician or pharmacist on an emergency basis within program regulations. The Medicaid eligibility card states that an enrolled provider will be reimbursed for such services.

(b) In instances in which a recipient is referred by his lock-in physician to another physician provider, reimbursement shall be made to the physician provider to whom the recipient was referred within program regulations.

#### REGULATORY EXCEPTION

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

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

#### RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Support Enforcement Program:

#### RULE

Effective May 1, 1986, the Department of Health and Human Resources, Office of Family Security, will secure medical support information and secure and enforce medical support obligations as mandated by 45 CFR 306.50 and 45 CFR 306.51 and authorized by R.S. 46:236.1B(5) if the individual is a Medicaid applicant or recipient or with the consent of the individual if the individual is not a Medicaid applicant or recipient.

Under 45 CFR 306.51, unless the custodial parent and child(ren) have satisfactory health insurance other than Medicaid, IV-D shall petition the court to include health insurance that is available to the absent parent at reasonable cost in new or modified orders for support. Health insurance is considered reasonable in cost if it is employment related or some other group health insurance. A medical support order shall be obtained whether or not health insurance is actually available to the absent parent at the time the order is entered or modification to coverage is immediately possible.

The IV-D agency will take steps to enforce the medical support order if health insurance is available to the absent parent at reasonable cost but has not been secured at the time the order is issued. The IV-D agency has discretion in determining the steps necessary to ensure that the absent parent obtains the required medical insurance.

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

#### RULE

##### Department of Health and Human Resources Office of Prevention and Recovery from Alcohol and Drug Abuse

Effective April 20, 1986, OPRADA has adopted the following rule on procedures for independent review of the reasons for failing to provide funds to any eligible entity that applies as mandated by federal regulations specified in Section 1916 (c) (5) - Application and Description of Activities of the Title XIX, Part B, Al-

cohol and Drug Abuse and Mental Health Service Block Grant, of the Public Health Services Act, as amended by Public Law 98-509.

A. Any service provider who is adversely affected by the action of the office in denying, or revoking ADAMS Block Grant Funds may, within 30 calendar days after receipt of the notice from the office, appeal the action of the office by filing to the Secretary of DHHR through the DHHR Appeal Section within such 30 day period a written request addressed to the secretary requesting a hearing. The appeal or request for a hearing shall specify in detail the reasons for submission of the appeal and how the service provider is adversely affected by the action of the office.

B. In the event of the appeal, the hearing shall be conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

C. The decision of the Secretary of DHHR will be provided in writing to the appealing party. The written decision for opinion shall constitute final administrative action on the appeal unless contract was originally solicited in accordance with R.S. 39:1503 A (2). In those cases, please refer to Division of Administration, Office of Contractual Review regulations.

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

## **RULE**

### **Department of Labor Office of Employment Security**

Under the authority of Act 909 of 1985 and in accordance with the provisions of R.S. 49:950 et seq., the Office of Employment Security has adopted the following regulation:

#### **REGULATION 39. TRAINING FOR REFEREES**

The following training is provided to new appeals referees and, by this rule, will continue to be required for all new appeals referees in the future.

1. An intensive one-on-one instruction in the methods of discovering and writing issues involved in U. I. appeals hearings in order to assure that each party is provided with sufficient notice of all issues to be covered at the hearing.

2. Personal reading from selected authors on procedures for administrative hearings.

3. Introduction to the use of the Agency's Policy and Precedent manual.

4. Each referee is furnished with a copy of a manual containing precedent decisions of the Courts with reference to most of the issues covered by agency adjudication of unemployment insurance matters. These manuals are updated periodically by the agency legal unit as new decisions are made.

5. Each new referee observes hearings conducted by several experienced appeals referees before having to actually conduct any hearings on his own.

6. Each new referee is monitored carefully in the conduct of hearings for several weeks, performing his work with an experienced appeals referee in the room.

7. Each new appeals referee views training videotapes and work exercises on the subject of De Novo Hearings, Principles of Evidence, Administrative Hearing Procedures and Decision Writing.

8. All decisions of new referees are monitored carefully by a supervising hearing officer for correct application of law and for principles of good writing in the findings of fact and conclusions as well as for concise orders to the agency.

9. Periodic conferences are held for updating of methods and information about unemployment insurance and changes in Administrative Law.

10. As many employees as possible are sent for formal training at the National Judicial College.

George Whitfield  
Administrator

## **RULE**

### **Department of Public Safety and Corrections Corrections Service**

The Louisiana Department of Public Safety and Corrections, Corrections Services, amended Department Regulation No. 30-19B as follows.

#### **ADULT AND JUVENILE SERVICES**

#### **ATTORNEY VISITS - ADULT AND JUVENILE INSTITUTIONS**

##### **1. PURPOSE**

To provide uniform procedures for the approval and conduct of visits by attorneys to inmates and students.

##### **2. RESPONSIBILITY**

It is the responsibility of the assistant secretaries for Adult and Juvenile Services and of all wardens and superintendents to implement this regulation and to convey its contents to all offenders, affected employees and attorneys seeking to visit.

##### **3. PROCEDURES**

Paralegal assistants or law clerks may be permitted to enter the institution to conduct interviews with clients of their supervising attorney, either with the attorney or by themselves. Such permission is vested solely in the discretion of the warden/superintendent, who may approve or disapprove these requests.

###### **A. Approval of Paralegals and/or Law Clerks**

1) Prior to a paralegal assistant (hereinafter paralegal) or law clerk being approved to enter the grounds of the institution, the following criteria must be met by the employing attorney. The granting of the approval will be for a period not to exceed one year.

a) The paralegal or law clerk must not be on the visiting list of any inmate confined in a Department of Public Safety and Corrections' institution.

b) The employing or supervising attorney must submit an affidavit (see Form A) to the warden/superintendent of the institution to be visited certifying the following prior to the approval for a paralegal or law clerk to enter the institutional grounds:

1) the name and social security number of the paralegal or law clerk;

2) how long the paralegal or law clerk has been employed by the attorney;

3) which law school the law student is enrolled in, or the type of certification held by the paralegal, and from which college or business school;

4) that the named paralegal or law clerk is not listed as a visitor to any inmate confined in a Department of Public Safety and Corrections' institution; and

5) acknowledging that should the paralegal or law clerk request to become an approved visitor of any inmate confined in a Department of Public Safety and Corrections' institution, and approval is given, that individual will no longer be permitted to enter the institution's grounds in the capacity of paralegal or law clerk.

The submitted information will then be verified, and the attorney notified of the disposition of the request (approved or denied). Thereafter, for a period not to exceed one year from date of approval, as long as the paralegal or law clerk continues in the employ or under the supervision of the same attorney, visits may be approved by phone.

B. Scheduling—Visits by attorneys, their paralegals and law clerks must be scheduled through the institution at least 24 hours in advance. However, prior to paralegals and law clerks being

approved to enter the grounds of the institution Section 3(A) of this regulation must be complied with prior to entry being granted.

C. Time of Visits—Visits by attorneys, paralegals and law clerks must normally take place during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.).

D. Exceptions—The warden or superintendent may approve special visits not in conformity with Paragraphs A, B, and C above when unusual circumstances warrant.

4. LIMITATIONS ON VISITS

A. Number of Offenders—Normally, no more than ten offenders may be seen at any one time, nor more than 20 on any one day. Further limitations may be imposed by the warden or superintendent if valid reasons exist. The department's legal staff must be advised of any such limitations.

B. Number of Attorneys—Normally, no more than two persons (attorneys, paralegals, or law clerks or any combination thereof) may see an offender on any one day. Exceptions may be approved for good cause by the warden or superintendent.

5. GENERAL

A. Offenders may refuse to see any attorney, but such refusal should be placed in writing and signed by the offender.

B. A log shall be maintained of all visits by attorneys, paralegals, and law clerks.

C. Visits may be visually observed, but conversations between offenders and counsel shall not, under any circumstances, be monitored.

D. Attorneys, paralegals, and law clerks are subject to the same procedures regarding searches as are all other visitors.

6. EXCEPTION

Nothing contained in this regulation shall apply to attorneys representing the state, the Department of Public Safety and Corrections, or the institution.

7. CANCELLATION

This regulation supersedes Department Regulation 30-19 B dated 20 November 1985.

FORM A

STATE OF \_\_\_\_\_  
PARISH/COUNTY OF \_\_\_\_\_  
REQUEST FOR PARALEGAL/LAW CLERK  
APPROVAL AND AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared \_\_\_(1)\_\_\_, who after being duly sworn did depose and say that:

I am an attorney at law and I am presently representing \_\_\_(2)\_\_\_, an inmate confined by the Louisiana Department of Public Safety and Corrections;

\_\_\_(3)\_\_\_, \_\_\_(4)\_\_\_, is employed by me as a \_\_\_(5)\_\_\_, and has been so employed since \_\_\_(6)\_\_\_ . Further, said employee is presently enrolled at \_\_\_(7)\_\_\_ and/or has received a \_\_\_(8)\_\_\_, certificate as a paralegal from \_\_\_(9)\_\_\_, \_\_\_(10)\_\_\_ is not listed as a visitor to any inmate confined in a Louisiana Department of Public Safety and Corrections' institution.

I hereby acknowledge that should said employee request to become an approved visitor of any inmate confined in a Louisiana Department of Public Safety and Corrections' institution, and approval is given, that employee will no longer be permitted to enter the institutional grounds in the capacity of paralegal or law clerk, and that the approval to enter previously given by the institution will be rescinded; and

Should the employee leave my employ, I will notify the institution involved of this fact.

\_\_\_\_\_  
Attorney

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_.

NOTARY

KEY:

- (1) Name of attorney
- (2) Name of employee
- (3) Name of employee
- (4) Employee's social security number
- (5) Paralegal, law clerk
- (6) Beginning date of employment
- (7) Law school if law clerk
- (8) Type of paralegal certification
- (9) Name of college or business school
- (10) Name of employee

C. Paul Phelps  
Secretary

RULE

Department of Public Safety and Corrections  
Office of Alcoholic Beverage Control

The Louisiana Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, adopted the following rule for the implementation of a plan of staggered renewal of retail permits pursuant to Act 736 of 1985.

1. Definitions

(a) ABC means the Office of Alcoholic Beverage Control of the Department of Public Safety and Corrections.

(b) Renewal means the filing of an application for the reissuance of an alcoholic beverage permit held during the previous permit period.

(c) Combined permit means a single permit for the sale of beverages of high and low alcoholic content.

2. Purposes

This regulation is proposed pursuant to Act 736 of 1985 for the purpose of providing even distribution of the expiration and renewal of alcoholic beverage permits throughout the year.

3. Permit for beverages of low alcoholic content at retail; fees

All retail permits for the sale of beverages of low alcoholic content issued on or after July 1, 1986 shall expire on December 31, 1986. The fee for any such permit issued shall be one-half the annual fee.

4. New permits for beverages of high alcoholic and low content at retail; fees

All new retail permits for the sale of beverages of high and low alcoholic content issued on or after January 1, 1987, shall have an expiration date to be determined by the Office of ABC based on the first letters of the applicant's name according to the following formula:

First Letter of Applicant's Name	Expiration Date
A&D	July 31
B	Aug. 31
C	Sept. 30
E, F, & G	Oct. 31
H, I & J	Nov. 30
K & L	Dec. 31
M	Jan. 31
N, O, P & Q	Feb. 28
R & T	Mar. 31
S	Apr. 30
U, V, W, X, Y & Z	May 31

and non-alphabetical listings

If the initial permit for the sale of beverages of high alco-



holic content is to be issued for a period of more than six months, then the applicant pays the full permit fee. If the initial permit for the sale of beverages of high alcoholic content is to be issued for six months or less, then the applicant pays only one-half of the permit fee. The fee for the sale of beverages of low alcoholic content remains the same regardless of the period for which it is issued.

5. Renewal permits for the sale of beverages of high and low alcoholic content at retail; fees

The renewal of a permit for the sale of beverages of high and low alcoholic content at retail issued on or after January 1, 1987 shall be for a period of not less than seven months nor more than 17 months, which period shall be determined by the Office of ABC according to the following plan:

First Letter of Applicant's Name	Duration of Permit	Permit Expires
A & D	07	Jul. 31, 1987
B	08	Aug. 31, 1987
C	09	Sept. 30, 1987
E, F, & G	10	Oct. 31, 1987
H, I, & J	11	Nov. 30, 1987
K & L	12	Dec. 31, 1987
M	13	Jan. 31, 1988
N, O, P & Q	14	Feb. 29, 1988
R & T	15	Mar. 31, 1988
S	16	Apr. 30, 1988
U, V, W, X, Y & Z and non-alphabetical listings	17	May 31, 1988

The fee for such a permit shall be determined by a proration of the annual fee as provided by statute over the appropriate number of months as shown on the schedule below:

Fee Rate by Months	Liquor					
	Beer		Class A		Class B	
	Class A	Class B	Inside	Outside	Inside	Outside
7	17.50	11.75	116.75	58.25	58.25	29.25
8	20.00	13.25	133.25	66.75	66.75	33.25
9	22.50	15.00	150.00	75.00	75.00	37.50
10	25.00	16.75	166.75	83.25	83.25	41.75
11	27.50	18.25	183.25	91.75	91.75	45.75
12	30.00	20.00	200.00	100.00	100.00	50.00
13	32.50	21.75	216.75	108.25	108.25	54.25
14	35.00	23.50	233.50	116.50	116.50	58.50
15	27.50	25.00	250.00	125.00	125.00	62.50
16	40.00	26.75	266.75	133.25	133.25	66.75
17	42.50	28.50	283.50	141.50	141.50	71.00

The fee for a light wine permit shall be the same as for a Class A beer permit.

6. Combined Permits; fees

On or after January 1, 1987 applicants for permits for the sale of beverages both high and low alcoholic content shall be issued a single permit which shall authorize the sale of both types of beverages. The fee for a combined permit shall be the sum of the two separate fees.

7. Renewal deadline; penalties

Applications for the renewal of permits for the sale of beverages of high and low alcoholic content issued pursuant to this regulation shall be due in the Office of ABC not later than 30 days prior to the date of expiration.

Any retail dealer in beverages of high alcoholic content, who fails to file a renewal application and pay the fee therefor timely, shall pay, in addition to other penalties provided by Title 26 of Louisiana Revised Statutes, a delinquency penalty of five percent if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues.

Any retail dealer in beverages of low alcoholic content, who

fails to file a renewal application and pay the fee therefor timely, shall pay a delinquency penalty of 25 percent over and above the regular fee.

Any retail dealer whose application for renewal is filed before the expiration date of the permit may continue business until issuance of the new permit if the previous permit has not been suspended or revoked, or the new permit withheld or denied. If the retail dealer fails to make his renewal application before the date of expiration, the dealer's right to do business may be suspended without notice or hearing.

8. Gross sales

The payment of an additional permit fee by retailers based on the amount of their gross liquor sales as provided in R.S. 26:71 shall continue and shall be assessed on the gross sales made during the existence of the preceding permit. In renewals, where the previous permit was issued for less than or more than 12 months under Rule 5, a fee of \$100 for each \$100,000 of gross liquor sales, after the deduction of the exempt portion as shown on the following scale, shall be levied according to R.S. 26:71 3(c).

**EXEMPTION ON GROSS RETAIL LIQUOR SALES**

Duration of Permit	Amount of Exemption
7 months	\$ 58,333
8 months	66,667
9 months	75,000
10 months	83,333
11 months	91,667
12 months	100,000
13 months	108,333
14 months	116,667
15 months	125,000
16 months	133,333
17 months	141,667

Michael W. Russell  
Assistant Secretary

**RULE**

**Department of the Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document, effective July 1, 1986, as follows.

Article 3, Section I (G) (26) added to read as follows:

G. Eligible Expenses

The following shall be considered eligible expenses under Comprehensive Medical Benefits when prescribed by a Physician and Medically Necessary for the Treatment of Covered Person:

\* \* \*

26. Cardiac Rehabilitation Therapy, subject to the following conditions:

a. The covered person must be recovering from a myocardial infarction (heart attack), or a cardiovascular surgery (cardiac bypass).

b. The cardiac rehabilitation therapy must be prescribed by a licensed medical doctor who is receiving regular progress reports concerning the covered person's progress.

c. Cardiac rehabilitation therapy must be conducted at a medical facility under the direct supervision of a licensed medical doctor and proper monitoring equipment and qualified medical personnel must be present during the therapy in order to effectively respond to any emergency situation which may arise.

d. All cardiac rehabilitation therapy (both in-patient and

out-patient) must be completed within six months following the date of the infarction or cardiac surgery.

e. In connection with cardiac rehabilitation therapy, the Program will specifically exclude dietary instruction, educational services, behavior modification literature, memberships in health clubs, exercise equipment, preventive programs and any other items or services specifically excluded from benefits pursuant to the provisions of Article 3, Section VIII.

Article 3, Section VIII, add the following:

\* \* \*

CC. Charges for cardiac rehabilitation therapy conducted more than six months following the date of a myocardial infarction or cardiovascular surgery.

Amend Article 3, Section VIII, (T) as follows:

T. Air conditioners and/or filters, dehumidifiers, air purifiers, wigs or toupees, heating pads, home enema equipment, rubber gloves, swimming pools, saunas, whirlpool baths, home pregnancy tests, exercise equipment, and any other items not normally considered medical supplies.

James D. McElveen  
Executive Director

#### **RULE**

##### **Department of the Treasury Board of Trustees of the State Employees Group Benefits Program**

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program amended its rules to raise the lifetime maximum of \$500,000 to \$750,000, effective December 19, 1985.

James D. McElveen  
Executive Director

#### **RULE**

##### **Department of Urban and Community Affairs Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs is amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1985 LCDBG Final Statement now reads as follows:

II.E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

The regulations are to be effective on April 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

#### **RULE**

##### **Department of Urban and Community Affairs Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs is amending the FY 1984 LCDBG Final Statement. The purpose of this amendment is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1984 LCDBG Final Statement now reads as follows.

II.E. DISTRIBUTIONS OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

These regulations are to be effective on April 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

## **Notices of Intent**

#### **NOTICE OF INTENT**

##### **Department of Agriculture Office of Animal Health Services Livestock Sanitary Board**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, is hereby giving notice of its intention to adopt the amendments detailed below. The Livestock Sanitary Board has scheduled a meeting for Friday, May 2, 1986 at 9:30 a.m. Comments may be forwarded to Dr. W. B. Fairchild, Director, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821. Comments will be accepted through 4:30 p.m. on Thursday, May 1, 1986. All interested persons will be afforded an opportunity to submit views or arguments in writing or at the board meeting.

Amend the definition of authorized buyer in LAC 7:XXI.11701:

*Authorized buyer* means (1) an employee of a USDA approved slaughtering establishment who buys livestock that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; (2) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses; or (3) a permitted livestock dealer.

LAC 7:XXI.11711(A) should be amended to include Paragraph 4:

4. Any person applying for a livestock dealer permit who has been found guilty of violating the regulations of the Livestock Sanitary Board shall have to appear before the Livestock Sanitary

Board prior to the issuance of a livestock dealer permit and the issuance of this permit will be at the discretion of the Livestock Sanitary Board.

LAC 7:XXI.11733(A)(3) should be amended to include Subparagraphs c and d:

c. Cattle from Louisiana farms going to Louisiana shows are exempt from the 30 day negative brucellosis test but must be negative to the brucellosis card test within 60 days prior to admission to fairs and livestock shows. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

d. Individually identified cattle originating in and moving directly from a certified brucellosis free herd. The certificate herd number must be recorded on the health certificate.

Amended LAC 7:XXI.11735(A)(4) as follows:

4. All non-vaccinated heifer calves between four and 12 months of age will be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All non-vaccinated heifer calves and cows born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment and shall be accompanied by form VS 1-27. These non-vaccinated "S" branded animals must be delivered to a slaughter establishment, the premises of a licensed livestock dealer or a Louisiana or United States Department of Agriculture approved quarantined feedlot within 72 hours of purchase.

Amend LAC 7:XXI.11737(A)(3), LAC 7:XXI.11737(A)(4), LAC 7:XXI.11737(A)(5) and LAC 7:XXI.11737(A)(6):

3. In instances where brucellosis reactors are found, the reactor animals must be branded with a three inch hot brand on the left jaw with the letter "B" and a brucellosis reactor tag must be placed in the left ear. The branding of reactors and placement of reactor tags must be accomplished immediately after the animals are found to be brucellosis reactors. All other cattle that have been comingled with the reactor animals for more than 24 hours are considered exposed and must be branded on the left jaw or high on the tail head by a three inch hot iron brand with the letter "S". The reactor and exposed cattle shall be separated from all other cattle immediately and placed in quarantine pens identified as such by conspicuously placed signs. The movement of such cattle shall be restricted to:

a. The reactor cattle must be sold directly to an approved slaughter establishment or at an approved livestock auction market for sale to such slaughtering establishment. These animals must be accompanied by a form VS 1-27.

b. The exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on form VS 1-27.

c. Exceptions to the above restrictions are:

i. Heifers between four and 12 months of age that are brucellosis calfhooed vaccinated.

ii. Steers and spayed heifers.

iii. Heifer calves four months of age and under and bull calves six months of age and under, who is dam tested negative for brucellosis.

4. All female cattle over four months of age born after January 1, 1982 must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All female cattle born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment. These animals must move on a form VS 1-27.

5. Cattle over six months of age originating in brucellosis quarantined areas must originate from qualified herd (known not to be infected), and must pass a negative card test for brucellosis

not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

6. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient must be negative to the brucellosis card test within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate or a certificate of veterinary inspection, or an individual brucellosis test record must be kept for a period of 24 months following the purchase of any brucellosis tested cattle. Exceptions are:

a. steers and spayed heifers;

b. individually identified official brucellosis calfhooed vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;

c. individually identified cattle originating in and moving directly from a certified brucellosis-free herd;

d. test eligible cattle may be moved from a producer's premise to a dealer's premise enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis provided the movement is completed within 72 hours, the identity of the animals to the herd of origin is maintained and contact with other cattle is not permitted.

LAC 7:XXI.11739 should be amended as follows:

**§11739. Governing the Sale and Purchase, Within Louisiana, of all Livestock Not Governed by Other Regulations (Brucellosis Requirements)**

A. It is a violation of this regulation to sell breeding type cattle, 18 months of age and older, not governed by other regulations of the Livestock Sanitary Board, in Louisiana for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. No cattle may be sold from brucellosis quarantined herds except as provided for in LAC 7:XXI.11749.

B. It is a violation of this regulation to purchase cattle, 18 months of age and older in Louisiana, not governed by other regulations of the Livestock Sanitary Board, for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. All female cattle born after January 1, 1982 that are four months of age or older must be official brucellosis vaccinates to be eligible to be sold for purposes other than slaughter or to a quarantined feedlot.

C. Exceptions to the brucellosis testing requirements of this regulation are:

1. cattle originating directly from a certified brucellosis free herd, if accompanied by a signed statement from the consignor, giving his name, address, certified herd number and individual identification of each animal;

2. steers and spayed heifers;

3. individually identified official brucellosis calfhooed vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;

4. any cattle sold to a permitted livestock dealer which will be brucellosis tested at an approved stockyard or USDA approved slaughter establishment within 72 hours of purchase by the dealer.

Adopt Section 11768 in Chapter 117, Part XXI:

**§11768. Admittance of Louisiana Poultry to Fairs, Livestock Shows and Poultry Shows**

All poultry going to Louisiana fairs, livestock shows and poultry shows shall be accompanied by a form VS 9-2, indicating the flock of origin is under the National Poultry Improvement Plan and is free of "Salmonella pullorum" (pullorum) and "Salmonella gallinarum" (typhoid). If the flock of origin is not under the Na-

tional Poultry Improvement Plan, the birds used for breeding purposes must be accompanied by a test from an approved laboratory indicating the birds were tested negative for pullorum/typhoid within 30 days prior to admittance to the fair, livestock show or poultry show.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Livestock Sanitary Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This rule change will not require any implementation cost to any state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This change will not have any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
This change will not have any fiscal impact which will directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This rule change will not have any effect on competition or employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:11201 "Twin Trifecta," relative to twin trifecta races, wagering and pool calculations.

The content of this rule can be found under the Emergency Rule Section of this issue of the *Louisiana Register*.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through May 5, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111 or Box 19267, New Orleans, LA 70179-9267.

Albert M. Stall  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:11201 "Twin Trifecta"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is a positive effect on revenue collections, how-

ever, it is impossible to determine such amount, nor how many additional bets will be placed by the general public due to an additional type of exotic wagering.

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

The benefits will be to the general betting public by offering an additional and new type of wagering opportunity.

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

There is no effect on competition or employment.

Albert M. Stall  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Child Nutrition Program Managers

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education changed the terminology from "Registered School Food Service Managers" to "Certified Nutrition Program Managers" (amendments to Bulletin 741 and 1196).

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Child Nutrition Program Managers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs associated with this change in terminology.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Proposed Comp Ed Guidelines: Revisions

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given

that the Board of Elementary and Secondary Education approved the following Proposed Comp Ed Guidelines: Revisions, effective June 1, 1986:

#### PROPOSED COMP ED GUIDELINES REVISIONS

Page 5—V.C.3. The compensatory/remedial teacher shall assure that communication occurs on a regular basis among all teachers who provide language arts or mathematics instruction for a student receiving state-funded compensatory/remedial instruction in order that all instructional services provided will be coordinated. (Board Policy)

Page 5—4.a. Instruction in the state-funded compensatory/remedial program shall be based on student deficits as identified on the Louisiana Basic Skills Test in language arts and mathematics and may include prerequisite skills in the areas of deficiency as well as other skills required for success at the current grade level. (R.S. 17:395)

Page 5—5. As a prerequisite to exiting a student from the compensatory-remedial program, local school systems shall administer to that student an individualized summative test addressing those skills initially identified as deficient through the Louisiana Basic Skills Test. a) For each area in which a student qualifies for compensatory/remedial services this shall be a single test drawn from a common pool of items used for all students in that school system. The test shall be administered at one sitting. b) In order to qualify for exiting prior to receiving 70 hours of compensatory/remedial services in each area for which he or she qualifies, that student must demonstrate mastery of *each* identified deficient skill through this summative test. Local school systems shall identify the compensatory/remedial pool of items from which each individualized exit test is drawn and the criteria for determining skills mastery on this test in their Pupil Progression Plans (R.S. 17:395 and Board Policy 3.01.08(A)).

Page 6—6.c. If the system elects to submit an evaluation of its local program, an evaluation plan consistent with Department guidelines proposing to examine both the educational process and the extent of growth and achievement evidenced by pupils shall be included.

Page 7—VII.A.4. Each School system shall participate in the evaluation of the State Compensatory/Remedial Program conducted by the Department of Education. (Board Policy).

#### Page 7—B. Local Responsibilities

Participation in the state evaluation as described in Part VII-A shall satisfy the requirement for a local evaluation of the State Compensatory/Remedial Education Program.

1. A school system choosing to meet the requirement for a local evaluation through participation in the state evaluation shall so specify in its local Pupil Progression Plan.

2. A school system may conduct a local evaluation of the State Compensatory/Remedial Education Program and may submit this evaluation report to the department. A local evaluation of the State Compensatory/Remedial Education Program that is submitted to the department shall be conducted under the responsibility of a person having a valid Louisiana certificate in program evaluation and shall apply the state board-adopted standards for educational evaluations.

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Proposed Comp Ed Guidelines Provisions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Costs to the state governmental units will include printing and dissemination of the revised guidelines. A total cost of \$200 is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No impact on state or local revenues would result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No costs and/or economic benefits is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No estimated effects on competition and employment is anticipated.

Joseph F. Kyle  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Biology II, Chemistry II, and Physics II

In accordance with the Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education mandated that Biology II, Chemistry II, and Physics II will be acceptable to meet high school graduation requirements in science, effective August, 1988 (unless curriculum guides can be completed earlier).

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Statewide Curriculum Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The estimated cost for developing, piloting, printing, and implementing the three curriculum guides is as follows:  
\$19,635.30 (developing, piloting, revising, printing)  
\$8,300 (statewide implementation)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect on revenue collections is involved in the proposed action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The goal of the Competency-Based Education Program is to ensure that every student in the public elementary and secondary schools of the state has an opportunity to attain and to maintain skills that are considered essential to further learning and social functioning.

Cost involved will include funds required to develop, pilot, print, and implement the curriculum guides for Biology II, Chemistry II, and Physics II.

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

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Migrant Education State Plan for FY 1987

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Migrant Education State Plan for FY 1987. Copies of the Plan may be seen at the office of the Louisiana Register or at the State Board of Elementary and Secondary Education.

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: FY-87 Migrant State Plan**

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

Migrant Education is a 100 percent federally funded program. Its administration does not necessitate employment of persons funded from other sources. It will cost \$264,285 in federal funds.

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

There will be no effect on revenue collections.

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

Approximately 7,000 children living in Louisiana for at least a portion of the school year will receive instructional or supportive services through the Migrant Education Program. A decrease is expected with an anticipated FY-87 allocation of \$4.8 million.

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

The Migrant Education program creates full-time instructional positions for more than 270 persons, most of whom are paraprofessional teaching aides. Approximately 60 additional full-time positions are funded for recruitment personnel, records personnel, and state office staff. A number of part-time or shared-time positions are also funded with these monies. The program has little if any effect on competition.

Joseph F. Kyle  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Revised Secondary Summer School Standards

In accordance with the Louisiana Revised Statutes 49:905 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary approved the revised secondary summer school standards for public schools to be the same as the revised requirements for the secondary nonpublic sector and as follows:

1. Standard 2.116.13, page 110 of Bulletin 741 (Attendance): Delete the Standard as written and insert in lieu thereof the following:

- (1) 70 hours for one-half unit new credit;
- (2) 47 hours for removal of one-half unit deficiencies. (The local system may impose a stricter minimum attendance policy.)

2. Standard 2.116.15, page 111 of Bulletin 741 (Time Requirements): Delete the Standard as written and insert in lieu thereof the following: "Daily time requirements are as follows:

	Length of Summer School	Total Hours
New subjects		90
Repeated subjects		60

Any deviation from the above time allotments must be approved by the State Department of Education.)

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Summer School (Public) Standards**

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

There are no estimated implementation costs or savings to state government. Local school systems may slightly reduce utility costs due to less required hours needed to earn one unit of credit.

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

There is no estimated effect on revenue collections of state government. This policy could possibly increase the public summer school student enrollment thus providing an increase in tuition revenue for local school systems.

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

The reduced requirements may encourage more students and teachers to participate in public summer school programs.

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

The reduced requirements may encourage more students and teachers to participate in public summer school programs. The change in policy for public schools would also track proposed nonpublic school standards.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Transfer of High School Students to Adult Education

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved as policy; "Eligible students who desire to exit the K-12 program and transfer into Adult Education, with the permission of their parents and the authorization of the principal or counselor, be considered as transfer students rather than dropouts."

Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Transfer of High School Students to Adult Education

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated costs or savings to state and local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated effect on competition or employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Fee Schedule for Students Attending Vocational-Technical Schools

In accordance with the Louisiana Revised Statutes 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the board approved the following fee schedule for students attending vocational-technical schools, effective July 1, 1986:

FEE SCHEDULE FOR STUDENTS ATTENDING  
VOCATIONAL-TECHNICAL SCHOOLS  
Effective July 1, 1986 persons enrolled in full-time or part-

time classes at vocational-technical schools shall be charged fees in compliance with the following provisions:

1. Enrollment and tuition fee schedule:
  - a. Enrollment fee: An enrollment fee of \$5 shall be charged each student upon enrollment or re-enrollment.
  - b. Students shall pay in advance, the following tuition fees:

#### TUITION FEES

	Year	Quarter	Term
Full-time	\$100	\$25.00	\$20
3/4 time	\$ 75	\$18.75	\$15
1/2 time	\$ 50	\$12.50	\$10

- c. Extension Courses: \$1 per instructional hour for extension courses, not to exceed \$100 per year.
  - d. Non-residents shall pay tuition fees twice the amount charged students who are residents.
2. Louisiana high school students will NOT be charged any fees during the regular school year. High school students will be considered full-time vocational technical students during the summer.
  3. Enrollment of re-enrollment payments, or acceptable evidence of indebtedness, shall be due upon registration or re-enrollment, as part of the enrollment process. These fees are non-refundable.
  4. Tuition fees may be paid by another agency on behalf of a student.
  5. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.
  6. Part-time courses of instruction shall include:
    - a. extension and apprenticeship programs which are offered in the evening, or on weekends;
    - b. programs totaling less than 170 hours
  7. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.
  8. Students being "carried over" into the fiscal year beginning in 1986 shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month.
  9. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:
    - a. annual
    - b. quarter
    - c. term
  10. The fee schedules provided herein shall become effective July 1, 1986, provided they are not in conflict with state law, that all revenues derived from enrollment and tuition fees shall be utilized by the school where fees are collected.
  11. Any funds derived from fees collected by a school may be expended by that school for supplies and equipment over and above legislative appropriations for the school, subject to the approval of BESE and in compliance with state law.
  12. That fees collected for extension courses may be used to defray costs of extension courses with approval by the board.
  13. It is the intent of this section to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds.
- Interested persons may comment on the proposed policy change and/or additions, in writing until 4:30 p.m., June 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Revised Fee Schedule for Students Attending  
Vo-Tech Schools**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation cost as this only replaces the existing fee schedule. The revenue to be derived from this fee schedule will be shown below.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
During FY 1986-87, the vocational-technical schools will collect an estimated \$2,090,590 in tuition, during FY 1987-88 an estimated \$2,090,590 and during FY 1988-89 an estimated \$2,090,590. These funds will be utilized by the schools where the fees are collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
It is the intent to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds. Therefore the only persons affected will be the students who pay the fees. The benefits will be in better-equipped vocational-technical schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The only effect will be a better trained student. It is felt that when a person invests his own funds he/she will demand better training.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to revise the GOEA Policy Manual. The purpose of the amendment is to revise Section 1197, entitled "Program Income," to stipulate the allowable usage of program income as defined in CFR 45 Part 74.41.

Effective June 20, 1986, Section 1197 of the GOEA Policy Manual will be revised to read as follows:

"Under the authority granted to the state by Section 74.42(2) of Title 45, of the Code of Federal Regulations, area agencies and their sub-contractors may use only the deduction alternative defined in 74.42(2)(C). Under this method, state and federal funds can only be applied to net expenditures. Net expenditures are calculated by subtracting all program income collected from total allowable costs. All program income collected must be used for current period expenses unless the Governor's Office of Elderly Affairs authorizes deferral to a later period."

Written comments on the proposed rule change will be accepted by the GOEA until May 10, 1986. Comments should be addressed to Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

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

**Rule Title: Program Income Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs or savings to state or local governmental units resulting from this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units resulting from this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no costs or savings to the area agencies on aging or their subcontractors resulting from this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment resulting from this rule change.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the current Louisiana State Plan on Aging (effective October 1, 1983 through September 30, 1987). The purpose of the amendment is to remove the planning and service area (PSA) designation from Assumption and Jefferson Davis parishes, and to incorporate these two parishes into the multi-purpose PSA's now being served by Capital Area Agency on Aging and Evangeline Economic Development District Area Agency on Aging, respectively.

The GOEA will conduct public hearings on this proposed amendment to the State Plan on Aging as follows:

Thursday, April 24, 1986 at 10 a.m., Assumption Council on Aging, 218 Jefferson Street, Napoleonville, LA 70390.

Friday, April 25, 1986 at 2 p.m., Jennings Senior Center, 315 Cary Avenue, Jennings, LA 70546.

Written comments concerning the proposed amendment of the State Plan on Aging will be accepted until 5 p.m., April 25, 1986. All comments received will be considered by the GOEA in deciding whether to adopt the proposed amendment. Interested parties are encouraged to submit oral testimony at the hearings.

To submit written comments or to obtain additional information concerning this proposed action, please contact Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
Director

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

**Rule Title: State Plan Amendment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs or savings to state



or local governmental units resulting from this state plan amendment.

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

There will be no effect on revenue collections of state or local governmental units resulting from this state plan amendment.

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

Assumption and Jefferson Davis Parish Councils on Aging will no longer receive funds for the administration of area plans in their respective parishes. Instead, the funds will go to the assigned multi-parish area agencies on aging.

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

The proposed revision of the State Plan on Aging is not expected to affect competition or employment in the public and private sectors. Staffing changes at the affected agencies are expected to be minimal.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana State Board of Examiners for Nursing Home Administrators intends to amend LAC 46:XLIX.1105 A.17 and intends to adopt LAC 46:XLIX.1105A.18 as follows.

**§1105. Refusal, Suspension and Revocation of License**

17. has directly or indirectly condoned, directed, or allowed actions by his/her subordinates which are in violation of the aforementioned rules.

18. failed to notify the board of change of employment and/or change of address.

Interested persons may submit written comments on the proposed changes until 3:30 p.m., May 16, 1986, at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 205, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

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

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

There will be no additional costs or savings.

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

There will be no effect on revenue collections by either state or local governmental units.

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

There will be no costs or economic benefit to persons or groups affected by this proposal.

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

There will be no effect on competition and employment.

Winborn E. Davis  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners plans to amend LAC XLVII.905A, the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the State of Louisiana at its annual meeting, September 26, 1986.

The proposed revision is as follows:

**Chapter 9. Program Projection  
§905. Staffing**

A. Instructor-student ratio

One instructor shall be responsible for no more than ten students in the clinical area.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA 70112. Written comments will be received through August 31, 1986.

Terry L. DeMarca, R.N.  
Executive Director

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

**Rule Title: Administrative Rules and Minimum Requirements Relating To Practical Nursing Education And Licensure To Practice In The State Of Louisiana**

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

None.

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

None.

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

This should produce a more competent, efficient practical nurse to enter the health care field.

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

None.

Terry L. DeMarca  
Executive Director

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

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

Summary

The Office of Family Security responded to a request for proposal from USDA-FNS for a Food Stamp Work Registration/ Job Search Services pilot project. Maximum funds available to Louisiana are \$255,887. In accordance with 7 CFR 273.7, the Office of Family Security proposes to implement a job search program in East Baton Rouge and Rapides Parishes.

PROPOSED RULE

Effective July 1, 1986, the Office of Family Security, Food Stamp Program intends to provide job search services to a targeted group of mandatory work registrants who live in East Baton Rouge or Rapides Parish; have a 3 - 6 month food stamp certification period and all of the following: work experience within the last 6 months of the month of application or reapplication, employable skills as defined by the service delivery area and an educational level of the 8th grade or above.

The services will consist of assessment for job readiness, training and job search with the intent of job placement.

The targeted work registrants who fail to comply with the job search requirements may be disqualified from participation in the food stamp program for a maximum period of two months. All participants in the job search activities will have the right to a fair hearing concerning any case decisions related to job search.

COMMENTS

Interested persons may submit written comments through May 7, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on May 7, 1986, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded the opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement  
For Administrative Rules

Rule Title: Family Security Job Search FSP

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

There will be no implementation costs or savings to state or local government units.

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

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

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

The benefit to directly affected persons is possible placement in a job; however, we cannot estimate the economic benefits to those persons. Those who fail to comply with job search requirements may be subject to disqualification from the food stamp program.

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

There will be no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources  
Office of Family Security

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

Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Volume 51, No. 37, Tuesday, February 25, 1986, pgs. 6511-6514.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a March 27, 1986 implementation date. The emergency rule is in this issue of the *Louisiana Register*.

Proposed Rulemaking

PROPOSED RULE

Effective March 27, 1986, if the cost of producing self-employment income exceeds the income derived from self-employment as a farmer, such losses will be offset against other countable income in a household. To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1000 or more from the farming enterprise. The same base that is used to determine income from self-employed farm operations shall be used to determine any net loss. Losses should be prorated over the year in a manner comparable to that used to prorate farm self-employment income.

Also effective March 27, 1986, residents of publicly operated community mental health centers which provide the same type of residential programs for alcoholic or drug rehabilitation as private, non-profit institutions will be considered an individual household and, if eligible, may participate in the Food Stamp Program.

COMMENTS

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on the proposed rule will be held May 7, 1986, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

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

Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Self-Employment Losses and Community  
Mental Health Centers

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

The cost in FY 86-87 is \$150 (\$75 state and \$75 federal).

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

There is no effect on revenue collections.

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

Self-employed farmers household who fit the criteria might benefit by becoming eligible to receive benefits or get increased benefits. Residents of publicly operated mental health centers which provide drug and alcoholic rehabilitation could benefit from participation in the program. Any increase in food stamp benefits is 100 percent federally funded.

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

There is no effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources intends to add the following rule pertaining to controlled dangerous substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§20. Added Controlled Substances

The following drug is hereby controlled under the designated schedule under authority of R.S. 40:962 (the following drug is in addition to the drugs previously controlled in section 20 of the regulations and in the statute in Section 40:964).

Schedule I

Hallucinogenic Substances

1. Methylenedioxymethamphetamine. (MDMA).

Interested persons may comment on the proposed rule in writing at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Section 20**

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

There are no implementation costs or savings to the agency from the addition of 3,4 methylenedioxymethamphetamine to Schedule I.

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

There is no effect on revenue collections from the addition of the drug to the Schedule I.

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

There are no costs to any groups since the drug has no licit use in medicine in the United States.

The benefits are removing the drug from access to the general public so that the drug is not easily obtained for abuse use.

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

There is no effect on competition and employment from this action.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 49:965 and 972, the Secretary of the Department of Health and Human Resources intends to add the following rule pertaining to controlled dangerous substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§21. Deleted Controlled Substances

The following drug is hereby deleted under the designated schedule under authority of R.S. 49:962 (the following drug is deleted from the drugs scheduled in the statute in section 40:964).

Schedule II

A. Substances of Vegetable Origin or Chemical Synthesis

(1) Opium and Opiate

a. Apomorphine

Interested persons may comment on the proposed rule in writing at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Section 21**

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

There are no implementation costs or savings to the agency.

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

There is no effect on revenue collections from this action.

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

There are no estimated costs to affected groups. The benefits will be to make the drug Apomorphine more readily available to the public.

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

There is no effect on competition and employment from this action.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Health and Human Resources is proposing to implement uniform (regardless of funding source) minimum standards for residential care providers and board and care providers in regards to life safety. This rule is the Life Safety Licensing Code.

Specifically, these standards apply to community homes (4 beds to 6 beds), group homes (7 beds to 16 beds), institutional homes (17 beds or more) and board and care homes (also known as boarding homes) as defined in R.S. 40:2153. This Life Safety Licensing Code is Chapter 21 of the National Fire Protection Association Life Safety Code 101 (most recent edition). In addition, because there is freedom of choice as to admissions, a two or more story building of a non-fire resistive type construction shall have an approved sprinkler system. *Approved* means the sprinkler system is installed in accordance with National Fire Protection Association 13 or, where applicable, 13D.

The department is proposing this rule to comply with the following requirements:

1. R.S. 40:2155(B)(2);
2. 45 Code of Federal Regulations Part 1397;
3. 42 Code of Federal Regulations 442.507 and 442.508.

In the event this rule conflicts with any federal or other state department life safety requirement (e.g. State Fire Marshal), the stricter of the two conflicting rules will apply.

These uniform minimum standards are available for review at and written comments may be addressed until May 23, 1986 (4:30 p.m.) to the Division of Licensing and Certification, 333 Laurel Street, Room 620, Box 3767, Baton Rouge, LA 70821.

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

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Life Safety Licensing Code

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no extra cost of saving. This is already being done using older standards.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
This proposed rule should gear appropriate safety measures to appropriate groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Steve Phillips, Director  
Division of Licensing and  
Certification

David W. Hood  
Legislative Fiscal Analyst

## NOTICE OF INTENT

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

The Department of Health and Human Resources (DHHR) intends to apply for Block Grant federal funding for FY 1986-87

in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472 - 29493. DHHR will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and federal regulations.

The block grants and the DHHR offices responsible for program administration are as follows:

1. Alcohol and Drug Abuse and Mental Health Services—Office of Mental Health (OMH) and Office of Prevention and Recovery of Alcohol and Drug Abuse (OPRADA). Inquiries and comments regarding Mental Health Services may be addressed to James W. Low, M.D., Assistant Secretary, Office of Mental Health, Box 4049, Baton Rouge, LA 70821. The application is available for review at any OMH or OPRADA facility. Inquiries regarding Alcohol and Drug Abuse Services may be addressed to Vern Ridgeway, Box 53129, Baton Rouge, LA 70892.

2. Maternal and Child Health Services—Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility.

3. Preventive Health and Health Services—Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility.

4. Title XX Social Services—Office of Human Development (OHD). Inquiries and comments may be addressed to Melvin J. Meyers, Jr., Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

5. Low-Income Energy Assistance—Office of Human Development (OHD). Inquiries and comments may be addressed to Melvin J. Meyers, Jr., Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

A copy of each application may be obtained by writing directly to the DHHR Office responsible for administration. In addition, a copy of the application may be obtained by contacting the Governor's TIE LINE, Box 44004, Capitol Station, Baton Rouge, LA 70804, Phone: 1-800-272-9868.

Public hearings on block grant applications for FY 1986-87 are scheduled as follows:

Monday, May 5, 1986, Baton Rouge, 10 AM, State Insurance Bldg., 950 N. 5th Street, Plaza Floor Hearing Rm., Baton Rouge, LA.

Tuesday, May 6, 1986, Lake Charles, 10 AM, Calcasieu Parish OFS, 710 Ryan Street, New 2nd Fl. Conf. Rm., Lake Charles, LA.

Wednesday, May 7, 1986, Alexandria, 10 AM, State Office Building, 2nd Floor Conf. Rm., 900 Murray Street, Alexandria, LA.

Thursday, May 8, 1986, Shreveport, 10 AM, State Office Building, Room 205, 1525 Fairfield Avenue, Shreveport, LA.

Monday, May 12, 1986, New Orleans, 10 AM, Orleans Par. OFS Bldg., 2nd Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA.

A copy of any of the applications may be obtained by calling the Governor's TIE LINE at 1-800-272-9868. Also, the local or regional DHHR office administering the block grant will make the application available for review from 8:30 AM until 4 PM on weekdays.

At the public hearings all interested persons will have the

opportunity to provide recommendations on the proposed block grant applications, orally or in writing. Written comments will be accepted through May 25, 1986.

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

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: ADAMHS Block Grant 86-87**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
As a result of the Balanced Budget and Deficit Control Act (Graham-Rudman), the ADAMHS Block Grant will be reduced from \$5,665,000 to \$4,894,000—a reduction of \$771,000. 84.59 percent (\$652,189) will affect Alcohol and Drug Abuse Programs and 15.41 percent (\$118,811) will affect Mental Health Programs.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Services provided to clients funded by the ADAMHS Block Grant will be reduced. Contracts with private non-profit agencies will be reduced and, in some cases, eliminated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be a loss of approximately 36 positions, both Civil Service and private non-profit positions.

Vern C. Ridgeway  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LIHEAP Block Grant Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation cost of this plan is \$20,551,125 in federal funds (\$4,661,105 from an anticipated FFY 1986 allotment of \$18,113,682 and \$15,890,020 from an anticipated FFY 1987 allotment of \$20,503,252.) Of the total estimated cost the amount of \$2,050,325 (10 percent of total FY 1987 allotment) will be transferred to the Social Services Block Grant and \$15,540,672 will be available for energy assistance (84 percent), \$2,775,120 for weatherization (15 percent), and \$185,008 for energy crisis intervention (1 percent). Administrative costs will be limited to \$1,850,080 which is 10 percent of total cost of these three services.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
For the period 07/01/86 thru 06/30/87 a total of \$20,551,125 in federal LIHEAP Block Grant funds will be available to the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
It is anticipated that purchase of service contracted funds will offset the cost of service delivery to designated local community action agencies.

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

Only minimum effect is anticipated on competition and employment as all but the largest community action agencies state they can implement the proposed contracts with existing staff.

Melvin Meyers, Jr.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: SSBG (SSA Title XX 1986-87)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Implementation cost of this plan is \$53,523,948 which includes \$51,882,579 federal funds and \$1,641,369 IAT from within DHHR. Federal funds include \$13,944,416 of Revised FY 86 plus \$37,938,163, or 74 percent of the anticipated FY 87 allotment - total \$51,882,579.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
As a result of Public Law 99-177, the Gramm-Rudman Act of 1985, Louisiana's FY 86 allotment \$50,927,746 was reduced by approximately 4.4 percent to \$48,661,461. Louisiana FY 87 allotment published 11/15/85 is \$50,730,291.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect is anticipated on competition and employment.

Melvin Meyers, Jr.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Preventive Block Grant 1986-1987**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Neither increase nor decrease in costs to implement is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
OPPHS anticipates receiving \$2,779,435 in federal funds for this block grant in fiscal year 1986-87. This level of funding, compares to \$2,779,435 expected to be received during the current fiscal year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

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

No effect is anticipated on competition and employment.

Daneta Daniel Bardsley  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Maternal and Child Health  
Block Grant (FY '87)**

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

This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

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

No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the state will be required to subsequently decrease the allotment to all programs covered under the block, but this is a factor beyond our control.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

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

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result.

Joseph O. Kimbrell  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police  
Hazardous Substance Control Section**

The Department of Public Safety and Corrections proposes to adopt the following revised rules by virtue of its authority under Louisiana Revised Statute 32:1504. On September 20, 1980, the Department of Public Safety promulgated regulations governing the transportation of hazardous materials and hazardous waste. These rules were updated November 20, 1984.

The proposed rules supercede the regulations promulgated November 20, 1984. These rules update the regulations so that they may remain consistent with the current Code of Federal Regulations, Title 49 (49 CFR), Parts 170-179 and 390-398, as required by Louisiana Revised Statute 32:1504.

The significant changes to the regulations are:

1. update the Hazardous Material Table (172.100) to include new chemical names;

2. update motor carrier safety regulations to include all commodities transported.

Copies of the proposed rules changes will be available for inspection Monday thru Friday during normal working hours in the office of the Hazardous Substance Control Section, Office of State Police, 265 South Foster Drive, Baton Rouge, LA.

Interested persons may submit written comments on the proposed rules within a reasonable amount of time to the following: Lt. Pat Touchard, Hazardous Materials Unit, Louisiana State Police, Box 66614, Baton Rouge, LA 70896. He is the person who will respond to inquiries concerning this proposal.

Colonel Wiley D. McCormick  
Deputy Secretary

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

**Rule Title: Hazardous Substance Control Section**

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

There will be no implementation costs or savings to state or local government.

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

These regulations do not affect state or local government revenues.

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

The regulations require commercial vehicles to be operated and maintained in good condition and require special safety procedures to be taken when transporting hazardous materials. There should be no extra cost to non-governmental groups.

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

No effect on competition and employment.

P. A. Touchard  
Hazardous Materials Unit

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Excise Taxes Section**

Under the authority granted by LSA-R.S. 47:1511, the secretary of the Louisiana Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the Special Fuels Taxes (Part V of Chapter 7 of Title 47 of the Louisiana Revised Statutes of 1950).

**PROPOSED RULES**

Regulations for the administration and enforcement of the Special Fuels Taxes.

**Article 47:801. Definitions**

*Retail Outlet* means and includes every person or dealer who sells special fuels at retail and delivers such fuel into the fuel supply tanks of motor vehicles or into a storage tank or drum with a capacity of less than 1000 gallons when such tank has been transported to the facility by the purchaser. *Retail outlet* shall also mean and include pumps which have a rate of flow of 40 gallons per minute or less, regardless of whether the pump is located on the property of a bulk plant, service station, or truck stop. For the

purpose of administering this part, the terms "service station," "truck stop," "garage," and "retail dealer" shall have the same meaning as "retail outlet."

*Wholesaler* means any person or supplier who sells or delivers special fuels to a retail dealer in this state for resale, or sales or deliveries to a user when the fuel is delivered by the supplier into bulk storage tanks located on the user's property or property leased by him. Sales made by a wholesaler or supplier from a pump which has a rate of flow of 40 gallons per minute or less shall be considered retail sales.

#### **Article 47:803. Collection and payment of tax**

The tax levied by R.S. 47:802(A) shall be collected and/or paid by suppliers or wholesalers on all special fuels sold or delivered by them when sold to a dealer, service station, garage, truck stop, or retail outlet. A supplier or wholesaler may be exempted from collecting and/or paying the tax on sales or deliveries to retail outlets that have tax-free storage used to fuel off-highway vehicles or drums; however, before such deliveries or sales can be made, the following conditions must be met:

(1) the retail outlet shall have a storage tank no larger than 3000 gallons;

(2) the tank must be separate from the tax-paid storage tank;

(3) all fuel pumped from the tax-free storage tank shall be metered and the meter shall have a totalizer;

(4) the pump shall have a rate of flow no faster than 15 gallons per minute;

(5) the pump shall be in a location separate and away from any tax-paid pumps; tax-paid and tax-free pumps shall not be located on the same serving isle;

(6) the pump shall be marked "not for highway use" in letters of not less than two and one-half inches high; and

(7) all tax-free sales shall be recorded with the following information:

- a) name and address of purchaser
- b) number of gallons sold
- c) date of sale
- d) how the fuel will be used
- e) total cost of fuel sold

If the wholesaler makes any tax free sales or deliveries to retail outlets not meeting the above requirements, then the wholesaler shall be held liable for all taxes, penalty, and interest that are due.

#### **Article 47:806. Records required; invoices; false or inadequate records; a violation**

A. Every retail outlet shall be required to secure a license before commencing to sell tax-paid or tax-free special fuels. The retailer shall make a written request to the secretary of the Department of Revenue and Taxation for the license. Before the license can be approved, a representative of the Department of Revenue and Taxation shall determine, by physical inspection, that the applicant meets all requirements.

B. Special fuels sold and/or delivered into the fuel supply tank of a motor vehicle shall be from the tax-paid tank. When such deliveries are made, the required record shall be a serially numbered invoice issued in not less than duplicate counterparts on which shall be mechanically printed or stamped with a rubber stamp the name and address of the retail dealer making such delivery. The invoice shall provide space for the name and address of the purchaser, the date of delivery, the number of gallons, the kind of special fuels delivered, the state highway license number of the motor vehicle, and the total mileage of the motor vehicle into which delivered, such mileage to be evidenced by odometer or hub-meter reading, or in the case of interstate passenger buses registered with the Interstate Commerce Commission, by such documentation acceptable by the secretary. The invoice shall reflect that the

tax has been paid or accounted for on each product delivered. One counterpart of the invoice shall be kept by the retail dealer making such delivery as a part of his record, for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution. Another counterpart shall be delivered to the operator of the motor vehicle and carried in the compartment of the motor vehicle for inspection by the secretary or his representatives until the fuel it covers has been consumed. Special fuels sold or delivered by a retail outlet for off-highway use may be from a tax-free tank. When such deliveries are made, the required record shall be a ledger showing the name and address of the purchaser, the date of delivery, number of gallons sold, total cost of fuel sold, and how or where the fuel will be used. This record shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution and it shall be made available to the secretary or his representative upon request.

C. In addition to the required invoices and ledgers, all retail outlets licensed for special fuels shall be required to take an inventory of the tax-paid and tax-free special fuels on hand at the end of each month, along with a reading of each pump totalizer. This shall be made part of the permanent records and shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution, and it shall be made available to the secretary or his representative upon request.

D. Any violation of these record-keeping provisions shall be cause for revocation of the license issued hereunder. In addition, any retail outlet pumping tax-free fuel into the fuel supply tank of a motor vehicle, or not keeping the required records, shall pay the tax on all the fuel placed in his tax-free storage tank within that prescribed period.

A copy of the proposed rules and regulations may be obtained by writing to: Archie Callais, Jr., Excise Taxes Section, Department of Revenue and Taxation, Box 201, Baton Rouge, Louisiana 70821. A copy may also be obtained by request, in person, at his office on the second floor of the Louisiana Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, Louisiana.

Written comments will be accepted by Archie Callais through the close of business May 7, 1986. He is responsible for answering inquiries about the proposed rules and regulations.

Shirley McNamara  
Secretary

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Special Fuels Tax**

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

The only implementation cost would be the designing and printing of a license.

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

These rules should not have any effect on the revenue collections of the state or any local governmental units.

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

Truck stops would benefit from an increase in sales. Presently a truck owner will wait until he gets to another state to purchase tax-free fuel for his refrigeration unit. Farmers will also benefit from these rules by being able to bring their off-road equipment to the neighborhood service station and fuel their equipment with tax-free fuel, instead of spending money to install tax-free storage on their property.

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

These rules should not have any effect on competition and employment.

L. Kent LaPlace  
Director, Excise Taxes

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Highways**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Transportation and Development, pursuant to LSA-R.S. 32:387, intends to adopt the following curfew restrictions governing certain oversize vehicles traveling on the Huey P. Long Bridge at Baton Rouge.

**Proposed Rule**

All oversized and overweight vehicles are prohibited from traveling on or across the Huey P. Long Bridge at Baton Rouge from 6:30 to 9 a.m. and from 3:30 to 6 p.m., Monday through Friday.

Any vehicle with valid oversize and overweight permits whose load does not project beyond the boundaries of the vehicle, whose total width does not exceed 8'6", and whose total height does not exceed 14'4", and whose total length does not exceed 70', and whose total weight does not exceed 120,000 pounds shall be exempt from these curfew requirements.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: J. Gary Bizette, Enforcement & Truck Permits Administrator, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245. Telephone: (504) 334-0160.

Robert G. Graves  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Overweight Permit**

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

None

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

None

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

The trucking industry will experience some inconvenience because movement of restricted permit loads will be delayed during the curfew hours. It is impossible to project a monetary impact on the industry at this time. The benefits that will be derived in terms of safety, smooth progression of traffic, and accessibility of this structure to the traveling public should be greater than the adverse impact to the industry.

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

None

Robert G. Graves  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, LRS 49:950, et. seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule, effective July 1, 1986, that will apply to Driveway and Project Permits issued by the department's Right of Way Permit Section, all in accordance with the provisions of LPS 48:344 and 48:381.

**Fee Schedule for Driveway Permits**

Residential .....	None
Agricultural .....	None
Local and State Governmental Agencies ..	None
Commercial .....	\$200 per Driveway and \$100 each additional Driveway
Subdivision/Street Intersections .....	\$500 per Driveway and \$100 each additional Driveway
Crossover and/or Turning Lane .....	\$500 per installation

**Fee Schedule for Project Permits**

Local and State Governmental Agencies ..	None
Pipelines	
Parallel to highway	
100 feet or less	\$75
100 feet to 500 feet	\$100
500 feet to 1 mile	\$150 per mile
Over 1 mile	\$200 per mile
Crossing the highway	
Less than 2"	\$75 per crossing
2" to less than 4"	\$150 per crossing
4" to less than 12"	\$200 per crossing
12" and over	\$300 per crossing
Supply and Communication Lines	
Parallel to highway	
100 feet or less	\$75
100 feet to 500 feet	\$100
500 feet to 1 mile	\$200
Over 1 mile	\$300 per mile
Crossing the highway	
Per crossing	\$75
Tree Trimming/Clearing	
All	\$400 per location
Right of Way Grading and Excavation	
All	\$400 per location
Railroad Crossing	
All	\$400 per location

**Fee Schedule for Geophysical Permit**

Cables only	\$200 per Parish
Vibrator Trucks	\$600 per Control Section

**Fee Schedule for Traffic Control Device Permit**

Local and State Governmental Agencies ..	None
Commercial .....	\$200 per location

**ESTIMATED REVENUE**

		Est. No. Issued	Revenue
<b>Project Permits</b>			
<b>PARALLEL</b>			
Less than 100	\$75	180	\$13,500
100' to 500'	\$100	150	\$15,000
Over 500'	\$150	1950	\$292,500
Over 1 mile	\$200/ mile	30	\$6,000
<b>CROSSING</b>			
Less than 2"	\$75	450	\$33,750
2" to less than 4"	\$150	150	\$22,500
4" to less than 12"	\$200	60	\$12,000
12" and over	\$300	30	\$9,000
<b>TREE TRIMMING</b>			
All	\$400	30	\$12,000
<b>PROJECT PERMIT TOTAL</b>		<b>3030</b>	<b>\$416,250</b>



**Driveway Permits**

Residence	None		
Commercial	\$200	250	\$50,000
	single		
	\$300	300	\$90,000
	multiple		
Subdivisions	\$500	35	\$17,500
<b>DRIVEWAY PERMIT TOTAL</b>			<b>\$140,000</b>
<b>Geophysical Permits</b>			
Cables only	\$200	40	\$8,000
Vibrator Trucks	\$600	10	\$6,000
<b>GEOPHYSICAL PERMIT TOTAL</b>			<b>\$14,000</b>
<b>Traffic Control Device Permit</b>			
All	\$200	10	\$2,000
<b>TOTAL ESTIMATED REVENUE - \$589,750</b>			

PROPOSED FEE SCHEDULE  
TRAFFIC CONTROL DEVICE PERMIT

ALL \$200

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: P. J. Frederick, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Permit Fee Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The proposed permit fee schedule will generate an estimated \$589,750 per year. The funds will be used to administer the right of way permit program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The proposed permit fee will cost the utility companies \$416,250 per year, commercial construction \$140,000 per year and Geophysical Surveys \$14,000 per year for permits issued on state highways.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None

Robert G. Graves  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

RIGHT OF WAY PERMITS  
PROPOSED FEE SCHEDULE

<b>ESTIMATED STAFF COST</b>			
State Engineer IV	1 @	\$37,608	\$37,608
Engineer Specialist III	2 @	\$30,756	\$61,612
Word Processor Operator I	1 @	\$15,432	\$15,432
Typist Clerk III	1 @	\$14,436	\$14,436
Engineer Specialist III	9 @	\$30,756	\$276,804
<b>TOTAL</b>			<b>\$405,892</b>
+ 40% Additives			<u>162,356</u>
<b>SALARIES</b>			<b>\$568,248</b>
<b>EQUIPMENT</b>			
Automobile	9 @	\$2,000	\$18,000
<b>TOTAL ESTIMATED COST</b>			<b>\$586,248</b>
Right of Way Permits Issued per year			5,000
Project 60%			3,000
Driveway 40%			2,000
Undistributed Average Cost Per Permit			\$117.25
This cost does not reflect District clerical personnel, Headquarters accounting personnel, office supplies, and other related costs.			

PROPOSED FEE SCHEDULE  
PROJECT PERMITS

Local and State Governmental Agencies			None
	Less Than 100'	100' to 500'	Over 500'
<b>PARALLEL</b>			Over 1 Mile
Plowed cable; aerial cable - new and not on existing poles; trenched oil, gas, water, multiple ducts, conduits form mains, sewers (sanitary and storm)	\$75	\$100	\$150
			\$200 per/mile
<b>CROSSING</b>			
Less Than 2" DIA	2" to less than 4"	4" to less than 12"	12" and OVER
\$75	\$150	\$200	\$300
<b>TREE TRIMMING</b>			
\$400			
<b>RIGHT OF WAY GRADING AND EXCAVATION</b>			
\$400			
<b>RAILROAD CROSSING</b>			
\$400			

PROPOSED FEE SCHEDULE  
DRIVEWAY PERMITS

Residence - None	
Local and State Governmental Agencies - None	
Subdivisions/Street Intersections - \$500 per Driveway and \$100 each additional Driveway	
Crossovers and/or Turning Lanes - \$500 per location	
Commercial \$200 per Driveway and \$100 each additional Driveway	

PROPOSED FEE SCHEDULE  
GEOPHYSICAL PERMIT

Cables only	\$200
Vibrator Trucks	\$600

**NOTICE OF INTENT**

**Department of The Treasury  
Board of Trustees of the  
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document, effective July 1, 1986, as follows:

1. Article 1, Section II (B)(2) on page 19 should be amended as follows:

"2. Effective date of coverage

Retiree coverage will be effective on the first of the month following the date of retirement, provided the employee and employer have agreed to make and are making the required contributions.

Should a retiree not retain coverage upon retirement, any subsequent request for coverage shall be subject to the terms of Article 1, Section II (E)(1)."

2. Article 1, Section II (B)(3) on page 19 should be amended as follows:

A. On line 4, delete the word "eligibility" and substitute therefor the phrase "continuous coverage."

B. On line 7, after word "days," insert following sentence: "Should such employee not return to the retirement group

of his original participant employer within 30 days, any subsequent request for coverage shall be subject to the terms of Article 1, Section II (E)(1)."

3. Add Article 1, Section II (B)(4) to read as follows:

"4. Retiree deferral rule

If a retiree is confined at home, in a nursing home, or hospital or elsewhere by reason of disease, illness, accident or injury on the date he would otherwise become covered under the Plan, the effective date of that retiree's coverage shall be deferred until the date confinement terminates or disability ends, whichever is later."

4. Amend Article 1, Section II (E)(1) on page 21, first paragraph, as follows:

"1. Overdue Application

The terms of the following paragraphs shall apply to all eligible employees who apply for coverage after 30 days from the date the employee became eligible for coverage, retirees who do not retain coverage upon retirement and seek coverage at a later date and dependents of employees and retirees for whom the application for coverage was not completed within 30 days from the date acquired."

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on June 9, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Eligibility Provisions**

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

Each state agency, school board, or any employer agency eligible to participate in the State Group Benefits Program will be required to contribute 50 percent of the group health insurance premium cost for each retiree of that particular agency, who elects this coverage. The other 50 percent of the premium cost will be paid by the retiree and/or the employer in the case of parish school boards.

Our consulting actuary, Martin E. Segal Company, has advised that the exact fiscal impact of this rule change is impossible to calculate. The reason for this difficulty is that it is not known how many of the 13,088 retirees now receiving monthly benefits from a state retirement system, but who are not receiving a state match for insurance premiums, will elect coverage in the State Employees Group Benefits Program or a private group contract covering school board employees.

According to the Martin E. Segal Company, each retiree electing coverage would generate approximately \$1,098 annually in premium revenues to this agency. The employer cost for each retiree would be approximately \$549 annually. (50 percent of the total premium) In addition, the Martin E. Segal Company estimates the benefits payment per retiree would be approximately \$1,660.73 annually.

Any one-time implementation cost would be minimal and this agency can fund any such cost from existing fund balance.

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

There would be an impact on the premium revenues of this agency in the approximate annual amount of \$1,098.00

per each retiree electing coverage. Because Act 812 of 1985 requires identical eligibility requirements in school board contracts with private insurers, the revenues of these school boards would also increase in the approximate annual amount of \$1,098.00 per each retiree electing coverage.

The revenues of all other state and local governmental units would not be affected.

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

The health insurance premiums cost of each retiree electing coverage would be approximately \$549, one-half of the annual premium cost. The benefits paid to each covered retiree would be approximately \$1,661 annually.

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

Competition and/or employment would not be affected.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Urban and Community Affairs Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the FY 1986 LCDBG Final Statement. The purpose of this amendment is to revise the ceiling amount for grant awards and to revise the administrative amounts available to the grant recipients. Sections II.F.(1) and III.G.(6)i will read as follows:

II.F.(1) Ceilings. The state has established a funding ceiling of \$550,000 for single purpose housing grants and \$600,000 for single purpose public facilities grants with the exception of sewer grants which has a funding ceiling of \$750,000. The state has established a funding ceiling of \$750,000 for multi-purpose grants with the provision that each activity within cannot exceed the maximums established for single purpose. The state has established a funding ceiling of \$750,000 for economic development grants.

III.G.(6)i Based on review of the application, it is determined that general administrative costs exceed the following maximums: housing rehabilitation - 11.7 percent of total housing costs, economic development - 5 percent of the LCDBG funds requested for project costs, and public facilities - 6 percent of public facilities costs, except in cases where acquisition in excess of ten parcels is involved, the maximum allowable will be 7.5 percent of public facilities costs.

Interested persons may comment on the proposed amendment in writing through June 1, 1986, at the following address: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: FY 1986 LCDBG Final Statement**

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

The proposed amendment will have no effect on the

state's cost to implement the LCDBG Program. Although it reduces the amount available to local governmental units for administrative costs, the amounts allowable are based on previously requested average amounts.

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

There will be no effect on state revenue collections.

Under the proposed rule, the total amount available per individual single purpose grant, excluding sewerage, has been reduced. Housing funding ceiling is to be \$500,000 (a reduction of \$200,000) and other public facilities is to be \$600,000 (a reduction of \$150,000). The proposed rule change does not affect funding limits on economic development projects. Although the total funding ceiling for multi-purpose projects remains at \$750,000, individual housing and public facilities components cannot exceed the single purpose limitations. Because the funding level for certain type projects is being reduced, the proposed rule may result in more local government units receiving grants.

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

The LCDBG funds will be awarded in accordance with the selection criteria established in the FY 1986 LCDBG Final Statement. The program is designed to serve low to moderate income persons in local communities; the proposed rule will have no impact on those persons.

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

The proposed rule will not create any changed effect on competition and employment.

Dorothy M. Taylor  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission advertises its intent to adopt a rule prohibiting the taking of paddlefish (*Polyodon spathula*) for a period of three years beginning May 15, 1986. This prohibition shall not apply to the incidental snagging and possession of one paddlefish by recreational fishermen using a single line and hook.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., April 2, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

**Rule Title: Prohibit fishing for Paddlefish**

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

Not applicable: Enforcement of rule will be affected through present routine patrol duties of the Louisiana Department of Wildlife and Fisheries.

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

No significant effect on revenue collection. A very small amount could be received by local government if citations are issued for illegal fishing.

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

This fish has been of minor interest as an incidental commercial species for many years. It is not expected there will be any significant impact related to economic benefits.

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

Negligible or no effect.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission advertises its intent to correct the boundary description of the Sister (Caillou) Lake Oyster Seed Reservation due to several errors in the original description and to include a cancelled lease in the reservation.

DESCRIPTION OF CAILLOU LAKE (SISTER LAKE) SEED OYSTER RESERVATION IN T.21S, -.15E TERREBONNE PARISH, LOUISIANA.

BEGINNING AT K-1 (X-2126463.970) (Y-216344.108) ON NORTH SHORE OF SISTER LAKE AND WEST SHORE OF GRAND PASS GOING S 56 47 28 E 71.065' (X-2126523.429) (Y-216305.186). THENCE S 69 10 05 E 183.776' (X-2126695.192) (Y-216239.83). THENCE S 89 23 41 E 1560.56' (X-2128255.665) (Y-216223.346). THENCE N 50 33 28 W 477.719' (X-2127886.738) (Y-216526.84) THENCE N 03 46 21 E 75.001' TO K-2 (X-2127891.673) (Y-216601.678). THENCE IN A EASTERLY DIRECTION ALONG THE NORTH SHORE TO K-3 (X-2135583.521) (Y-216662.538). THENCE S 71 04 17 E 50.00' (X-2135630.817) (Y-216646.319). THENCE S 71 04 17 E 275.000' (X-2135890.946) (Y-216557.112). THENCE S 71 04 17 E 49.631' TO K-4 (X-2135937.893) (Y-216541.012). THENCE EASTERLY ALONG THE NORTH SHORE OF LAKE TO K-5 (X-2143774.557) (Y-215900.240) ON THE WEST SHORE OF BAYOU JONES. THENCE S 69 43 04 E 58.739' (X-2143829.654) (Y-215879.878). THENCE S 72 47 41 E 862.610' (X-2144653.664) (Y-215624.723). THENCE S 42 08 04 E 100.000' TO K-6 (X-2144720.751) (Y-215550.566) ON EAST SHORE OF BAYOU JONES. THENCE IN A SOUTHERLY DIRECTION TO K-7 (X-2144250.939) (Y-211478.001) ON THE NORTH SHORE OF A CUT. THENCE S 42 32 03 W 544.420' TO K-8 (X-2143882.895) (Y-211076.831) ON SOUTH SHORE OF A CUT. THENCE IN A WESTERLY DIRECTION ALONG NORTH SHORE OF AN ISLAND TO K-9 (X-2141782.265) (Y-210078.168). THENCE S 80 34 47 W 310.00' (X-2141476.445) (Y-210027.430). THENCE S 13 42 14 E 300.034' (X-2141547.525) (Y-209735.937). THENCE S 70 39 56 W 1312.037' (X-2140309.484) (Y-209301.546). THENCE S 23 10 32 E 1026.030' (X-2140713.280) (Y-208358.314). THENCE N 58 54 38 E 3333.851' (X-2143568.264) (Y-210079.833). THENCE S 19 00 58 E 100.786' TO K-12 (X-2143601.104) (Y-209984.547) ON SOUTH SHORE OF MILE PASS. THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTH SHORE OF AN ISLAND TO K-13 (X-2144158.393) (Y-209644.614) ON

NORTH SHORE OF A CUT TO MONCLEUSE BAY. THENCE S 27 59 40 E 814.715' TO K-14 (X-2144540.809) (Y-208925.226) ON SOUTH SHORE OF A CUT TO MONCLEUSE BAY. THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST SHORE TO K-15 (X-2144228.117) (Y-207494.924). THENCE S 04 21 36 E 110.000' (X-2144236.480) (Y-207385.242). THENCE S 16 13 44 E 591.986' (X-2144401.927) (Y-206816.846). THENCE N 83 24 24 E 47.146' TO K-16 (X-2144448.761) (Y-206822.259). THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST SHORE TO K-17 (X-2143603.797) (Y-203824.295). THENCE S 16 50 20 E 50.000' (X-2143618.281) (Y-203776.439). THENCE S 06 29 25 W 2704.016' (X-2143312.632) (Y-201089.752). THENCE S 13 29 19 W 272.460' TO K-18 (X-2143249.080) (Y-200824.808) ON WEST SHORE OF AN ISLAND. THENCE S 74 25 14 W 363.799' (X-2142898.647) (Y-200727.102). THENCE S 75 24 52 W 4554.517' (X-2138490.907) (Y-199580.168). THENCE N 32 21 59 E 75.000' TO K-19 (X-2138531.057) (Y-199643.516). THENCE S 32 21 59 W 75.000' (X-2138490.907) (Y-199580.168). THENCE S 52 47 53 W 779.315' (X-2137870.174) (Y-199108.975). THENCE N 77 24 33 W 55.907' TO K-20 (X-2137815.612) (Y-199121.162). THENCE IN A WESTERLY DIRECTION ALONG THE SOUTH SHORE OF THE LAKE TO K-21 (X-2122568.871) (Y-199634.866) ON EAST SHORE OF GRAND BAYOU DU LARGE. THENCE N 68 15 30 W 132.116' (X-2122446.153) (Y-199683.804). THENCE S 09 11 22 W 2083.741' (X-2122113.376) (Y-197626.808). THENCE N 67 24 13 W 1312.947' (X-2120901.218) (Y-198131.289). THENCE N 25 48 14 E 632.447' (X-2121176.519) (Y-198700.673). THENCE N 22 26 45 E 2988.627' (X-2122317.610) (Y-201462.882). THENCE N 69 15 17 W 19.837' TO K-22 (X-2122299.059) (Y-201469.909) ON WEST SHORE OF GRAND BAYOU DU LARGE. THENCE N 07 35 51 E 38.128' (X-2122304.100) (Y-201507.702). THENCE N 22 53 59 W 486.595' (X-2122114.756) (Y-201955.947). TO A POINT ON THE NORTH SHORE OF A BAYOU AT ITS ENTRANCE TO SISTER LAKE. THENCE IN A NORTHERLY DIRECTION ALONG THE WEST SHORE TO K-23 (X-2121123.724) (Y-202433.290). THENCE N 04 13 05 E 50.000' (X-2121127.402) (Y-202483.155). THENCE S 88 27 09 W 1000.000' (X-2120127.766) (Y-202456.152). THENCE N 57 44 14 W 1811.152' (X-2118596.238) (Y-203422.946). THENCE N 29 13 28 E 1456.385' (X-2119307.296) (Y-204693.951). THENCE N 25 47 17 W 243.559' TO K-24 (X-2119201.337) (Y-204913.254). THENCE IN A NORTHERLY DIRECTION ALONG THE WEST SHORE OF THE LAKE AND COVES TO K-25 (X-2126415.433) (Y-212526.117). THENCE IN A NORTHERLY DIRECTION ALONG WEST SHORE OF LAKE TO THE POINT OF BEGINNING.

ALL COORDINATES ARE DERIVED FROM A BOUNDARY SURVEY TRAVERSE CLOSURE OF THE LAKE.

Interested persons may submit written comments on the proposed amendment until 4:30 p.m., April 3, 1986 at the following address: Harry Shafer, Chief, Seafood Division, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Sister (Caillou) Lake Oyster  
Seed Reservation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The additional acres should produce approximately \$2500 of seed oysters to the oyster industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

# Committee Reports

## COMMITTEE REPORT

### House Subcommittee on Oversight Department of Justice

On March 7, 1986, the Department of Justice submitted for review a set of proposed rule changes for the licensing of electronic video bingo machines. On March 26, 1986, the House Subcommittee on the Oversight of the Department of Justice took up consideration of the proposed rule changes. Representative Salvador Diesi presided as chairman of the subcommittee. After hearing the testimony of the assistant attorneys general, the subcommittee, with a quorum present, voted 5-2 to find the proposed rule change unacceptable.

In accordance with R.S. 49:968 (F) (1) (b), below is a summary of the determinations made by the subcommittee in accordance with R.S. 49:968(D) and (E), to wit:

1. The subcommittee did not, by vote, make a determination as to whether the rule change was in conformity with the intent and scope of the enabling legislation. This issue was discussed in a written staff memorandum to the committee and no objections were raised by the committee members.

2. The subcommittee did not, by vote, determine whether the rule change was in conformity and not contrary to all applicable provisions of law and of the constitution. This issue was discussed in a written staff memorandum to the committee and no objections were raised by the committee members.

3. The subcommittee did not, by vote, make a specific determination regarding the advisability or relative merit of the rule change. However, by voting to reject the rule change, it can be said that the subcommittee felt it was not advisable and had little or no merit. Some points brought out during the hearing regarding the advisability and merit of the rule change follow:

The committee extensively discussed the similarity between video bingo machines and slot machines. Many questions were directed to the possibility of one hall containing 25 of these machines, and the difficulty in enforcing the regulations that would require some moderation in use of these machines. Most of the committee's problems were not directed toward the proposed rules themselves, but toward the Act legalizing electronic bingo in those parishes allowing charitable gaming.

The only reservation expressed about the rules themselves had to do with enforcing them. The assistant attorneys general testifying admitted that they have no investigator on their payroll capable of detecting tampering with the software on these machines. They also said that they could probably afford to hire five investigators to cover video bingo in the state.

Essentially, the members of the committee felt that by approving the rules they would further entrench and make acceptable the idea of video bingo. They expressed an intention to repeal R.S. 33:4861.17 during this session.

Georgia Wilemon  
Subcommittee Counsel

**Reasons for  
Disapproval of Oversight  
Committee Action**

March 31, 1986

The report of the March 26, 1986, meeting of the House Subcommittee on Oversight of the Department of Justice was received by me on March 27, 1986.

I understand from the report that the committee had no strong objections to the proposed set of rules regulating licensing of electronic video bingo machines but did object to the substantive law itself which allows such machines to be made available and to be licensed, R.S. 33:4861.17. Under this provision, the attorney general is authorized to adopt rules and regulations governing the use of these machines, pursuant to the Administrative Procedure Act.

Until the legislature repeals or suspends the substantive law, it is my opinion that the rules proposed by the attorney general will at least afford some protective guidelines and restrictions governing the use of these machines. Therefore, pursuant to R.S. 49:968(H), I am hereby disapproving the action of this subcommittee finding unacceptable the rules adopted and submitted by the attorney general.

Edwin W. Edwards  
Governor

**COMMITTEE REPORT  
House of Representatives  
Committee on Appropriations  
Oversight Review**

March 24, 1986

Dear Governor Edwards:

This letter is to inform you that on March 21, 1986, the Subcommittee on Oversight of the House Committee on Appropriations voted to disapprove one of the rules promulgated by the Employees Group Benefits Program, purporting to amend the Employee Group Benefits Plan Document by deleting the following:

“In-patient deductible per day, maximum of five days per admission (waived for accidental injury) .....\$25”

The intended effect of the disapproval of the above quoted rule is to eliminate the negative impact on the Employees Group Benefit Plan. The proposed rule, if passed, will cost the program approximately \$2,578,000 annually. This action was taken by a unanimous vote of the subcommittee members present.

Thank you for your attention in this matter. If you desire

any further information on the subcommittee’s action, please contact Noel Hunt, House Committee on Appropriations (342-6292).

Elias Ackal, Jr.  
Chairman

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on March 18, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the February 20, 1986, *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to amend Rule 33 of the seismic rules and regulations which concern seismic activity in designated red lined oyster seed grounds belonging to the State of Louisiana.

Approved by a vote of 5-0.

Clyde W. Kimball  
Chairman

# Administrative Code Update

**ADMINISTRATIVE CODE UPDATE  
January 1986 to March 1986**

Vol.	Title:Part.Section	Effect	Location
1	35:I.1513	amended	LR 12:189 (March 1986)
1	35:I.1709	amended	LR 12:189 (March 1986)
1	35:I.1711	amended	LR 12:11 (Jan 1986)
1	35:I.1722	adopted	LR 12:11 (Jan 1986)
1	35:I.1727	amended	LR 12:11 (Jan 1986)
1	35:III.5725	amended	LR 12:11 (Jan 1986)
1	35:V.6347	amended	LR 12:189 (March 1986)
1	35:XI.9945	adopted	LR 12:11 (Jan 1986)
1	35:XIII.10901	amended	LR 12:11 (Jan 1986)

2	7:XXIII.13131	amended	LR 12:87 (Feb 1986)
3	46:XIX.105	amended	LR 12:87 (Feb 1986)
3	46:XIX.301	amended	LR 12:87 (Feb 1986)
3	46:XIX.305	amended	LR 12:87 (Feb 1986)
3	46:XIX.1301	amended	LR 12:87 (Feb 1986)
3	46:XIX.1503	amended	LR 12:87 (Feb 1986)
3	46:XIX.2301	amended	LR 12:87 (Feb 1986)
3	46:XIX.2903	amended	LR 12:88 (Feb 1986)
3	46:XLI.725	amended	LR 12:12 (Jan 1986)
3	46:XLIX.503	adopted	LR 12:115 (Feb 1986)
3	46:LI.701	adopted	LR 12:22 (Jan 1986)

70339. The applicant intends to operate a commercial nonhazardous oilfield waste storage and disposal facility (injection well) in Section 22, Township 13 South, Range 12 East, St. Martin Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of liquid nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order Number 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Verbal information may be received by calling him at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., June 10, 1986, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 86-22, Commercial Disposal Facility, St. Martin Parish.

Herbert W. Thompson  
Commissioner of Conservation

# Potpourri

## POTPOURRI

### Department of Agriculture Office of Agricultural and Environmental Sciences Quarantine Programs

In accordance with LAC 7:XV.9509, we are hereby publishing a "Supplement to the 1986 Quarantine Listing for Sweet Potato Weevil ("Cylas formicarius, elegantulus, Sum")."

Those portions of the parish of Natchitoches as follows: the property of Myrle Tyler in the Northwest Quarter of Section 4, Township 13 North, Range 7 West and all properties within a one mile radius thereof.

John W. Impson  
State Entomologist

Bob Odom  
Commissioner

## POTPOURRI

### Department of Natural Resources Office of Conservation Injection and Mining Division

DOCKET NUMBER UIC 86-22

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Tuesday, June 3, 1986, in the Jury Meeting Room on the second floor of the Courthouse located on the corner of Main and Berard, St. Martinville, Louisiana.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of FAS Services, Inc., Route 2, Box 404, Pierre Part, LA

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 32 claims amounting to \$42,204.01 were received during the month of March, 1986. During the same month 136 claims amounting to \$179,331.07 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, May 2, 1986, at 1:30 p.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 85-2599

Lester J. Evans, of St. Bernard, LA, while trawling on the vessel "CAPT. SWAMPY," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 15, 1985, at approximately 12 p.m., causing loss of trawl, boards, and cable. Amount of Claim: \$2,348.66

CLAIM NO. 85-2644

Richard Campo, Jr., of St. Bernard, LA, while trawling on the vessel, "LA-921," in Round Lake, Plaquemines Parish, encountered unidentified submerged obstruction on August 7, 1985, at approximately 8 a.m., causing damage to vessel. Amount of Claim: \$1,317.26

CLAIM NO. 85-2718

Phillip Morales, of St. Bernard, LA, while trawling on the vessel, "MR. CASEY," in Breton Sound, just south of Mozambique Point, at approximate LORAN-C readings of 29,965.2 and 46,920.0 Plaquemines Parish, encountered an unidentified submerged obstruction on August 20, 1985, at approximately 1 p.m., causing loss of 2-50 foot trawls, boards, chain, rope and bridle. Amount of Claim: \$2,706.50

CLAIM NO. 85-2734

Norman Bordes, Sr., of Metairie, LA, while trawling on the vessel, "LIL BUD," in Lake Pontchartrain, about three miles due west of South Draw on Causeway Bridge, Jefferson Parish, en-

countered an unidentified submerged obstruction on September 7, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$614  
CLAIM NO. 85-2735

Norman Bordes, Sr., of Metairie, LA, while trawling on the vessel, "LIL BUD," in Lake Pontchartrain, approximately three miles west of North Draw Bridge on Causeway Bridge, St. Tammany Parish, encountered an unidentified submerged obstruction on September 11, 1985, at approximately 9:30 a.m., causing loss of 48 foot trawl and tickler chain. Amount of Claim: \$655  
CLAIM NO. 85-2798

Rodney Weiskopf, Sr., Braithwaite, LA, while trawling on the vessel, "KURT N. GENE," in Chandeleur Sound, about ¼ mile N-NE of Deadman Island, St. Bernard Parish, encountered a submerged pipe on October 3, 1985, at approximately 2 p.m., causing damage to vessel. Amount of Claim: \$1,650.63  
CLAIM NO. 85-2825

Robert W. Kenney, of Slidell, LA, while trawling on the vessel, "PAPPY," in Lake Pontchartrain, at the Lake Pontchartrain entrance to the Rigolets, at approximate LORAN-C readings of 28,911.5 and 47,055.8, St. Tammany Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 4 p.m., causing loss of 900 foot trawl cable. Amount of Claim: \$652.80  
CLAIM NO. 85-2835

Norman P. Bordes, Sr., of Metairie, LA, while trawling on the vessel, "LIL BUD," in Lake Pontchartrain, about three miles due west of the Causeway Bridge and seven miles north of the South Shore Line, Jefferson Parish, encountered submerged piling approximately three foot in circumference on October 9, 1985, at approximately 8:30 a.m., causing damage to vessel. Amount of Claim: \$2,022.07  
CLAIM NO. 85-2862

Rudolph Kreger, Jr., of New Orleans, LA, while trawling on the vessel, "DRAGGIN LADY," in the middle of South Pass in Vermilion Bay, Orleans Parish, encountered an unidentified submerged obstruction on October 7, 1985, at approximately 11 a.m., causing loss of trawl. Amount of Claim: \$900  
CLAIM NO. 85-2863

Rudolph Kreger, Jr., of New Orleans, LA, while trawling on the vessel, "DRAGGIN LADY," in South West Pass, one mile south of Light House Point, Vermilion Parish, encountered an unidentified submerged obstruction on October 7, 1985, at approximately 11 a.m., causing damage to trawl. Amount of Claim: \$475  
CLAIM NO. 85-2864

Rudolph Kreger, Jr., of New Orleans, LA, while trawling on the vessel, "DRAGGIN LADY," in Vermilion Bay, about one mile north of South West Pass in Vermilion Bay, Vermilion Parish, encountered an unidentified submerged obstruction on October 9, 1985, at approximately 9 a.m., causing damage to 50 foot trawl. Amount of Claim: \$425  
CLAIM NO. 85-2866

Opeo H. Frey, of New Orleans, LA, while trawling on the vessel, "SOUTH WIND," in Lake Borgne, at the mouth of the Rigolets, Orleans Parish, encountered an unidentified submerged obstruction on October 3, 1986, at approximately 3 p.m., causing loss of trawl and damage to wheel. Amount of Claim: \$464.90  
CLAIM NO. 85-2883

Richard J. Berrigan, of Slidell, LA, while trawling on the vessel, "MISS DEBBIE," in the Rigolets North Bank, St. Tammany Parish, encountered an unidentified submerged obstruction on October 24, 1985, at approximately 11 a.m., causing loss of 50 foot trawl, boards, and tickle chain. Amount of Claim: \$1,583  
CLAIM NO. 85-2901

Frank Campo, Jr., of Shell Beach, LA, while trawling on

the vessel, "BRANDY MICHELLE," in the Gulf of Mexico, near the mouth of Dead Women Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on October 19, 1985, at approximately 3:15 p.m., causing loss of 45 foot trawl, try-net, boards, and cable. Amount of Claim: \$915.21  
CLAIM NO. 85-2960

Edward M. Lombard, Jr., of New Orleans, LA, while trawling on the vessel, "ELEGY," in Bayou Sauvage, approximately 50 yards inside "Straight Canal," Orleans Parish, encountered an unidentified submerged obstruction on October 12, 1985, at approximately 7:30 a.m., causing damage to trawls. Amount of Claim: \$225  
CLAIM NO. 85-3000

Charles J. Ballas, of Metairie, LA, while trawling on the vessel, "CHARLIE "B," in Lake Pontchartrain, 12 miles west of the Causeway Bridge, North of the South Shore, Jefferson Parish, encountered an unidentified submerged obstruction on October 12, 1985, at approximately 7:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$715  
CLAIM NO. 85-3001

Charles J. Ballas, of Metairie, LA, while trawling on the vessel, "CHARLIE "B," in the Rigolets, 1000 yards southwest of Green Light Beacon #3, Orleans Parish, encountered an unidentified submerged obstruction on October 27, 1985, at approximately 11 p.m., causing loss of butterfly net. Amount of Claim: \$709  
CLAIM NO. 85-3002

Charles J. Ballas, of Metairie, LA, while trawling on the vessel, "CHARLIE "B," in Lake Pontchartrain, about one mile south-southwest of five Pilings on Goose Point, St. Tammany Parish, encountered an unidentified submerged obstruction on November 12, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$679.95  
CLAIM NO. 85-3005

Michael E. Gourgues, Sr., of New Orleans, LA, while trawling on the vessel, "MICHAEL E. GOURGUES, SR.," in Lake Pontchartrain, one mile north of the Lakefront Airport, Orleans Parish, encountered an unidentified submerged obstruction on November 3, 1985, at approximately 7 a.m., causing loss of 50 foot trawl. Amount of Claim: \$838  
CLAIM NO. 85-3017

Irvin Blanchard, Jr., of New Orleans, LA, while trawling on the vessel, "LA-1527-BB," in East Lake Fortuna, near the northern most island, St. Bernard Parish, encountered an unidentified submerged obstruction on November 20, 1985, at approximately 10 a.m., causing damage to lower unit. Amount of Claim: \$500  
CLAIM NO. 85-3034

Kenneth P. Rodriguez, of Metairie, LA, while trawling on the vessel, "FISHWIFE," in Lake Pontchartrain, three miles on east side of the South Draw of the Causeway, Orleans Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$475  
CLAIM NO. 85-3063

Lloyd P. Serigne, of Poydras, LA, while trawling on the vessel, "EL ULTIMO," in Bayou Frenepiquant, near St. Helena Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on December 17, 1985, at approximately 8 a.m., causing loss of 50 foot trawl and boards. Amount of Claim: \$1,415.90  
CLAIM NO. 85-3071

Terry Ryan of Kenner, LA, while trawling on the vessel, "CAPTAIN RYAN," in Lake Pontchartrain, one mile west of the Causeway, 10 miles north of South Shore, Jefferson Parish, encountered an unidentified submerged obstruction on November

25, 1985, at approximately 9:30 a.m., causing loss of moongoose net and rollers. Amount of Claim: \$750

CLAIM NO. 85-3073

Harry L. Phillips, of St. Bernard, LA, while trawling on the vessel, "BUDDY BOY," in Chandeleur Sound, ¾ mile east of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 10 a.m., causing damage to trawl. Amount of Claim: \$306.02

CLAIM NO. 85-3074

Harry L. Phillips, of St. Bernard, LA, while trawling on the vessel, "BUDDY BOY," in Eloi Bay, about one mile south-southwest of Point Chico, St. Bernard Parish, encountered a submerged log on October 18, 1985, at approximately 2 p.m., causing loss of trawl. Amount of Claim: \$498.53

CLAIM NO. 85-3075

Harry L. Phillips, of St. Bernard, LA, while trawling on the vessel, "BUDDY BOY," in Breton Sound, at the end of the single rocks in the Mississippi River Gulf Outlet, south side, St. Bernard Parish, encountered submerged piling on October 20, 1985, at approximately 7 a.m., causing loss of 45 foot trawl. Amount of Claim: \$661.03

CLAIM NO. 85-3089

Daniel Morales, Jr., of St. Bernard, LA, while trawling on the vessel, "DANIELLE MARIE," in Lake Cuatro Caballo, Plaquemines Parish, encountered an unidentified submerged obstruction on December 13, 1985, at approximately 3:30 p.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-3091

Raymond C. Gilham, of Metairie, LA, while trawling on the vessel, "LA 2201 AP," in Lake Pontchartrain, two miles east of end of Catwalk of New Orleans Lake Front Airport, Orleans Parish, encountered an unidentified submerged obstruction on December 18, 1985, causing loss of 50 foot trawl. Amount of Claim: \$755

CLAIM NO. 85-2563

Hugh A. Johnson, of St. Bernard, LA, while trawling on the vessel, "SAILORS JOY," in the Mississippi River Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on July 10, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$730.03

CLAIM NO. 85-2774

Salvador Catalano, Sr., of Kenner, LA, while trawling on the vessel, "SASSY," in Lake Pontchartrain, approximately two miles west of the Causeway and two miles south of the North Draw Bridge, Tangipahoa Parish, encountered an unidentified submerged obstruction on September 28, 1985, at approximately 9 a.m., causing loss of 50 foot trawl. Amount of Claim: \$600

CLAIM NO. 85-2607

Martin A. Kain, Jr., of New Orleans, LA, while trawling on the vessel, "MISS JUANITA," in Lake Borgne, NE of Alligator Point, at approximate LORAN-C readings of 28,906.1 and 47,018.5, St. Bernard Parish, encountered submerged iron and pipe on June 11, 1985, at approximately 12 a.m., causing loss of 45 foot trawl and chain. Amount of Claim: \$823.29

CLAIM NO. 85-2876

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in the Rigolets, at the entrance to Lake Pontchartrain, Orleans Parish, encountered a submerged old fishing Pier on October 24, 1985, at approximately 7 p.m., causing damage to wing net. Amount of Claim: \$226

CLAIM NO. 85-2905

George Skinner, Jr., of New Orleans, LA, while trawling on the vessel, "GREASED LIGHTING," in Lake Borgne, ¾ of the way out to Alligator Point on the SW side, Orleans Parish, encountered an unidentified submerged obstruction on November 10, 1985, at

approximately 10:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$698

CLAIM NO. 85-2902

Frank Campo, Jr., of Shell Beach, LA, while trawling on the vessel "BRANDY MICHELLE," in Breton Sound, at approximate LORAN-C readings of 28,984.2 and 46,918.3, Plaquemines Parish, encountered a submerged large pipe on November 6, 1985, at approximately 10:30 p.m., causing loss of 45 foot trawl. Amount of Claim: \$653.79

CLAIM NO. 85-2934

John Martinez, Jr., of St. Bernard, LA, while trawling on the vessel, "SAN PEDRO," in the Mississippi River Gulf Outlet, SE of Beacon #71, St. Bernard Parish, encountered a submerged steel object on November 14, 1985, at approximately 11:30 a.m., causing loss of 50 foot trawl, tickler chain and lazy line. Amount of Claim: \$1,058.38

CLAIM NO. 85-2942

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in Pass A Loutre, 7½ miles NW, and 1¼ miles SE of Bell Bayou, St. Bernard Parish, encountered an unidentified submerged obstruction on October 21, 1985, at approximately 8 a.m., causing damage to 45 foot trawl. Amount of Claim: \$440

CLAIM NO. 85-2961

Edward M. Lombard, Jr., of New Orleans, LA, while trawling on the vessel, "ELEGY," in Bayou Sauvage, one block inside Bayou Sauvage in westerly direction from confluence of the Bayou and Chef Menteur Pass, Orleans Parish, encountered an unidentified submerged obstruction on October 20, 1985, at approximately 3:30 p.m., causing damage to his 45 foot trawl. Amount of Claim: \$245

CLAIM NO. 85-2976

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," off Southwest Pass, at approximately LORAN-C readings of 27,357.9 and 11,122.2, Vermilion Parish, encountered an unidentified submerged obstruction on November 11, 1985, at approximately 9 a.m., causing loss of 50 foot net and tickle chain. Amount of Claim: \$846.34

CLAIM NO. 85-2977

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," off Tiger Point, inbetween Freshwater Bayou and Southwest Pass, at approximate LORAN-C readings of 27,251.6 and 11,106.3, Vermilion Parish, encountered an unidentified submerged obstruction on November 18, 1985, at approximately 5 p.m., causing damage to doors, chain, cable and 50 foot net. Amount of Claim: \$1,909.29

CLAIM NO. 85-2990

Peter F. Loverde, Sr., of New Orleans, LA, while trawling on the vessel, "SUGAR BEAR," in Lake Pontchartrain, about two miles east of Irish Bayou, Orleans Parish, encountered an unidentified submerged obstruction on November 3, 1985, at approximately 7 a.m., causing damage to trawl, board, rope and chain. Amount of Claim: \$1,322.56

CLAIM NO. 85-3006

Michael E. Gourgues, Sr., of New Orleans, LA, while trawling on the vessel, "MICHAEL, JR.," in Rigolets Pass, about one mile east of Rigolets Train Bridge, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$828

CLAIM NO. 85-3056

Robert Graf, of St. Bernard, LA, while trawling on the vessel, "TRICKIE NICKI," in St. Helena Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 6:30 a.m., causing loss of 50 foot trawl, boards, and cable. Amount of Claim: \$2,098.22



CLAIM NO. 85-3057

Robert Graf, of St. Bernard, LA, while trawling on the vessel, "TRICKIE NICKI," in the Mississippi River, Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on November 25, 1985, at approximately 7:15 a.m., causing loss of 50 foot trawl. Amount of Claim: \$947

CLAIM NO. 85-3082

Peter J. Cefalu, Jr., of Kenner, LA, while trawling on the vessel, "MISS ANNA," in Lake Pontchartrain, eight miles north of the South Shore, one mile west of the Lake Pontchartrain Causeway, Jefferson Parish, encountered an unidentified submerged obstruction on December 14, 1985, at approximately 8 a.m., causing loss of 50 foot trawl. Amount of Claim: \$579

CLAIM NO. 86-3143

Wayne B. Tedesco, of Arabi, LA, while trawling on the vessel, "LA 9009 BG," just southeast of Point Chico, St. Bernard Parish, encountered an unidentified submerged obstruction on January 9, 1986, at approximately 2 p.m., causing damage to vessel. Amount of Claim: \$2,128.10

CLAIM NO. 86-3166

Daniel C. LeBlanc, of Vinton, LA, while trawling on the vessel, "LA 2009 BC," in south end of Alkali Ditch, east of Black Lake, west of Hackberry, Cameron Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 7:45 p.m., causing damage to vessel. Amount of Claim: \$806.32

CLAIM NO. 85-2611

Joseph P. Nunez, of St. Bernard, LA, while trawling on the vessel, "DOTTIE JOE," in Point Chicot, St. Bernard Parish, encountered an unidentified submerged obstruction on July 12, 1985, at approximately 3 a.m., causing loss of 35 foot trawl and boards. Amount of Claim: \$1,425

CLAIM NO. 85-2636

Joseph P. Nunez, of St. Bernard, LA, while trawling on the vessel, "DOTTIE JOE," in Bayou Terreaux Boeufs, St. Bernard Parish, encountered a submerged piling on July 22, 1985, at approximately 5 a.m., causing damage to vessel. Amount of Claim: \$2,692

CLAIM NO. 85-2907

Bernard J. Welb, of New Orleans, LA, while trawling on the vessel, "MISS JUDY," in Lake Pontchartrain, east side of New Orleans airport, Orleans Parish, encountered an unidentified submerged obstruction on October 13, 1985, at approximately 11 a.m., causing damage to 45 foot trawl. Amount of Claim: \$255.09

Thursday, May 8, 1986, at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA:

CLAIM NO. 85-2870

Mervin Ledet, Jr., of Lockport, LA, while trawling on the vessel, "RUDY-JOE," in the Gulf of Mexico, Atchafalaya Bay Area, at approximate LORAN-C readings of 27,625.7 and 46,915.4, St. Mary Parish, encountered an unidentified submerged obstruction on October 20, 1985, at approximately 5 p.m., causing loss of 55 foot Siamese Net. Amount of Claim: \$900

CLAIM NO. 85-2771

Clannis Sponge of Sponge Boat Company, Inc., Galliano, LA, while trawling on the vessel, "WILD CHILD," in East Bay about three miles due south of Joseph Bayou, Plaquemines Parish, encountered a submerged flow line on December 1, 1984, at approximately 1:30 p.m., causing damage to vessel, trawl, chain, and rigging. Amount of Claim: \$3,465.10

CLAIM NO. 85-2459

Elton Paul Dardar, of Golden Meadow, LA, while trawling on the vessel, "DOUBLE TROUBLE & KELLY," in Baptiste Collette Bayou, Plaquemines Parish, encountered an unidentified

submerged obstruction on June 17, 1985, at approximately 10 p.m., causing loss of 50 foot net and tickle chain. Amount of Claim: \$355

CLAIM NO. 85-2460

Elton Paul Dardar, of Golden Meadow, LA, while trawling on the vessel, "DOUBLE TROUBLE & KELLY," in Barataria Pass about ¼ mile south of Grande Terre Beach, Jefferson Parish, encountered an unidentified submerged obstruction on June 10, 1985, at approximately 4 p.m., causing loss of boards. Amount of Claim: \$622.02

CLAIM NO. 85-2645

Floyd Lasseigne, of Grand Isle, LA, while trawling on the vessel, "SUPER CHAMP," in the Gulf of Mexico, about 7000' south of beach off of the State Park on Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on July 26, 1985, at approximately 12 p.m., causing loss of 45 foot trawl, tickler chain and easy line. Amount of Claim: \$672.48

CLAIM NO. 85-2732

Mervin Ledet, Sr., of Galliano, LA, while trawling on the vessel, "KEY LARGO," in East Cote Blanche Bay, along the dividing line of East and West Cote Blanche Bays, Iberia Parish, encountered an unidentified submerged obstruction on September 10, 1985, at approximately 4:30 p.m., causing loss of 50 foot trawl. Amount of Claim: \$528.23

CLAIM NO. 85-2744

Jimmy Toups of Galliano, LA, while trawling on the vessel, "LADY JOANNE," in the Gulf of Mexico, just east of Tiger Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on September 17, 1985, at approximately 10:30 a.m., causing loss of trawl doors. Amount of Claim: \$668.08

CLAIM NO. 85-2923

Joseph Ernest Verdin, of Houma, LA, while trawling on the vessel, "CAPT. J.V.," in Bayou Grand Caillou, about 1½ miles north of the Houma Navigation Canal, Terrebonne Parish, encountered an unidentified submerged obstruction on October 27, 1985, at approximately 8 p.m., causing damage to vessel. Amount of Claim: \$2,564.90

CLAIM NO. 85-2948

Irving J. Richoux, of Grand Isle, LA, while trawling on the vessel, "CAJUN QUEEN," in the Gulf of Mexico, approximately 1000' southeast of the East Point of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on November 5, 1985, at approximately 6 a.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-3101

Raymond F. Gray, of Larose, LA, while trawling on the vessel, "WHIMSY," in the Gulf of Mexico, two miles south of Little Timbalier Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 20, 1985, at approximately 2 p.m., causing loss of 42 foot trawl. Amount of Claim: \$5000

CLAIM NO. 85-3113

Harry J. Cheramie, of Grand Isle, LA, while trawling on the vessel, "ACE OF TRADE," in Caminada Pass, Jefferson Parish, encountered a sunken boat on January 6, 1986, at approximately 8:30 a.m., causing loss of trawl and damage to another. Amount of Claim: \$1,261.23

CLAIM NO. 86-3117

Ojess Cheramie, of Grand Isle, LA, while trawling on the vessel, "CHOPPER ONE," ½ mile south of Caminada Pass, in the Gulf of Mexico, Jefferson Parish, encountered a sunken boat on December 20, 1985, at approximately 10 a.m., causing loss of 55 foot trawl, rope and easy line. Amount of Claim: \$940

CLAIM NO. 85-3124

Herbert Charpentier, of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "SEA DURBIN," in Lake Borgne, at ap-

proximate LORAN-C readings of 29,080.2 and 47,055.4. St. Tammany Parish, encountered an unidentified submerged obstruction on December 7, 1985, at approximately 10:30 a.m., causing damage to 50 foot trawl. Amount of Claim: \$360.91  
CLAIM NO. 85-3135

Harvey Cheramie, Sr., of Grand Isle, LA, while trawling on the vessel, "SILVER FOX," in the Gulf of Mexico, ½ mile west of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on January 4, 1985, at approximately 6 a.m., causing damage to trawl. Amount of Claim: \$487.84  
CLAIM NO. 85-2893

William E. Brumley and Thomas Horn, of Chauvin, LA, while working crab traps on the vessel, "LA 9020 BG," in Bayou Terrebonne, just north of Lake Barras, Terrebonne Parish, encountered an underwater obstruction on November 7, 1985, at approximately 10:30 a.m., causing damage to vessel. Amount of Claim: \$535  
CLAIM NO. 85-3102

Raymond F. Gray, of Larose, LA, while trawling on the vessel, "WHIMSY," in the Gulf of Mexico, two miles west of Belle Pass or Bayou Lafourche, Lafourche Parish, encountered an unidentified submerged obstruction on November 11, 1985, at approximately 12 noon, causing loss of try-net boards. Amount of Claim: \$150  
CLAIM NO. 85-3125

Alvin Charpentier of Captain Alvin, Inc., Cutt Off, LA, while trawling on the vessel, "CAPTAIN ALVIN," in the Gulf of Mexico, east of Little Pass, at approximate LORAN-C readings of 28,265.2 and 46,822.2, Terrebonne Parish, encountered an unidentified submerged obstruction on December 12, 1985, at approximately 2:30 p.m., causing loss of two 60 foot balloon trawls complete. Amount of Claim: \$2,696.54  
CLAIM NO. 86-3126

Alvin Charpentier of Captain Alvin, Inc., Cut Off, LA, while trawling on the vessel, "CAPTAIN ALVIN," in the Gulf of Mexico, at approximate LORAN-C readings of 28,299.4 and 46,820.8, Lafourche Parish, encountered an unidentified submerged obstruction on December 9, 1985, at approximately 1:30 p.m., causing loss of 60 foot trawl, try-net and doors. Amount of Claim: \$1,401.47  
CLAIM NO. 86-3127

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in the Gulf of Mexico, west of Belle Pass, at approximate LORAN-C readings of 28,264.9 and 46,825.5, Terrebonne Parish, encountered an unidentified submerged obstruction on December 10, 1985, at approximately 8:30 p.m., causing loss of two 62 foot trawls complete. Amount of Claim: \$2,756.23  
CLAIM NO. 86-3128

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in the Gulf of Mexico, at approximate LORAN-C readings of 28,288.9 and 56,823.8, Lafourche Parish, encountered an unidentified submerged obstruction on December 11, 1985, at approximately 4 p.m., causing loss of 62 foot trawl. Amount of Claim: \$1,378.11  
CLAIM NO. 86-3129

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in the Gulf of Mexico, at approximate LORAN-C readings of 28,163.9 and 46,831.2, Terrebonne Parish, encountered an unidentified submerged ob-

struction on December 12, 1985, at approximately 3:30 p.m., causing loss of 62 foot trawl, try-net, and doors. Amount of Claim: \$1,378.11

CLAIM NO. 86-3131

Daniel Charpentier of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in Chandeleur Sound, at approximate LORAN-C readings of 29,058.4 and 46,931.8, St. Bernard Parish, encountered an unidentified submerged obstruction on December 14, 1985, at approximately 10 p.m., causing loss of two 60 foot trawls. Amount of Claim: \$2,696.54  
CLAIM NO. 86-3147

CLAIM NO. 86-3147

Benton Pitre of Benton Pitre, Inc., Cut Off, LA, while trawling on the vessel, "LADY LINDA," in the Gulf of Mexico, ½ mile south of Timbalier Bay, at approximate LORAN-C readings of 28,163.9 and 46,830.7, Terrebonne Parish, encountered an unidentified submerged obstruction on December 15, 1985, at approximately 5:30 p.m., causing loss of 53 foot trawl, tickle chain, and easy line. Amount of Claim: \$1,085.78

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be post-marked no later than seven days after the hearing(s).

B. Jim Porter  
Secretary

## POTPOURRI

### Department of the Treasury State Employees Retirement System

Notice is hereby given that the Board of Trustees of the Louisiana State Employees' Retirement System has changed the regular monthly meeting day for said board from the second Wednesday of each month to the second Friday of each month, effective with the April, 1986 meeting of said board.

Vernon L. Strickland  
Director

# Errata

## ERRATA

### Department of Public Safety Office of the State Fire Marshal

With regard to the recent adoption of the 1985 Life Safety Code by the Fire Marshal for buildings constructed on or after September 1, 1986, the dates for the former Sections 2.2 and 2.3 as well as for former Section 4.1 which will now be Sections 2.3 and 2.4 and 4.2 contain the date either September 1 or September 4, 1981 when in fact the date should be January 1, 1982 which is the way it was printed in the Louisiana Register at the time that they were adopted.

Plauche F. Villere, Jr.  
Attorney

**CUMULATIVE INDEX  
(Volume 12, Number 4)**

1986		
Pages		Issue
1— 80	.....	January
85— 147	.....	February
153— 200	.....	March
209— 273	.....	April

**AGRICULTURE DEPARTMENT**

**Agricultural and Environmental Sciences, Office of**

- Advisory Commission on Pesticides, 87R
- Agricultural Commodities Commission, 120N
- Dairy Stabilization Board, 122N
- Horticulture Commission
  - Floristry exams, 143P
- Quarantine Programs (State Entomologist)
  - Quarantined areas, 189P, 269P
- Structural Pest Control Commission
  - Constructive recycling by commercial applicators of unused portions of pesticides and/or rinsate, 37N, 85ER
  - Containment system, 37N, 85ER
  - Management of unused portions of pesticides and/or rinsate of pesticides, 37N, 85ER
  - Pesticide containers, 37N, 85ER
  - Pesticide waste requirements, 37N, 85ER
  - Wood infestation, 37N, 85ER

**Agricultural Finance Authority**

- Production Loan Program, 209ER

**Animal Health Services, Office of**

- Diseases, 249N
- Livestock Sanitary Board, 123N
- Pet Turtles, 7ER, 37N, 224R

**CIVIL SERVICE DEPARTMENT**

**Ethics for Elected Officials, Board of**

- Overtime compensation, 169N
- Pay reductions, layoff procedures, 124N
- Personal Financial Disclosure Form, 9R

**COMMERCE DEPARTMENT**

**Architectural Examiners, Board of**

- Examination applications, 124N
- Per diem, 124N

**Certified Public Accountants, Board of**

- Amendments to LAC 46:XIX, 87R

**Racing Commission**

- Cancelled claiming race, 11R
- Drug which affects performance; guarding horse, 11R
- Examinations, 40N
- Horsemen's bookkeeper, 11R
- Jockey fee schedule, 12R
- Licensing of other employees, 39N
- Maximum daily doubles per race card, 39N
- Medication; reporting to stewards, 11R
- No medication in two-year olds, 11R
- Pre-race testing, 154ER, 173N, 211ER
- Super Six, 11R
- Twin Trifecta, 211ER, 251N

**CULTURE, RECREATION AND TOURISM DEPARTMENT**

**Black Culture, Division of**

- Grant guidelines, 88R

**State Museums, Office of**

- Accessions/Deaccessions, 89R
- Admission fees, 89R

**State Parks, Office of**

- Amendments, 89R
- Fee changes, 90R
- Repromulgates rules, 90R

**Tourism, Office of**

- Matching Funds, 13R

**EDUCATION DEPARTMENT**

**Elementary and Secondary Education, Board of**

- Bulletin 741, 13R
- Bulletin 996, 155R
- Child nutrition, 251N
- Comp Ed, 251N
- Curriculum standards, 252N
- Librarian certification, 91R
- Migrant Education State Plan (FY '87), 253N
- Noncertified school personnel, 90R
- Nonpublic school standards, 40N, 125N, 225R
- RIF policy, 125N
- Severe/profound impairment certification, 91R
- Special Education Plan, FY87, 127N
- Summer school standards, 212ER, 253N
- Textbook adoption time frame, 14R
- Textbook publishers, 14R
- Transfer high school students to adult ed., 254N
- Vo-Tech fee schedule, 254N
- Vo-Tech student suspension/expulsion, 14R
- Vo-Tech tuition, 91R
- World geography curriculum guidelines, 14R

**Southern University Board of Supervisors**

- Bylaws, 128N

**ELECTIONS AND REGISTRATION DEPARTMENT**

- Elderly/handicapped voting, 128N, 225R

**ENVIRONMENTAL QUALITY DEPARTMENT**

**Air Quality and Nuclear Energy, Office of**

- Asbestos from demolitions/renovations, 189CR, 229R
- Dispersion techniques, 174N
- Fee schedule, 173N

**Solid and Hazardous Waste, Office of**

- Hazardous Waste Division
  - Alternate Technologies Research/Development Trust Fund, 40N, 175N
  - Manifest fees, 176N

**Water Resources, Office of**

- Pollution control fee system, 177N

**EXECUTIVE ORDERS**

- EWE 85-88—Grants private activity bond allocations, 1
- EWE 85-89—Grants private activity bond allocations, 1
- EWE 85-91—Grants private activity bond allocations, 1

**CR—Committee Report**

**E—Errata EO—Executive Order ER—Emergency Rule**

**L—Legislation N—Notice of Intent P—Potpourri**

**PPM—Policy and Procedure Memorandum R—Rule**

EWE 85-92—Amends Executive Orders EWE 85-51, 85-53, 85-65, 85-89, 85-70, 85-71, 85-72, 85-73, 85-74, 85-76, 85-77, 85-81 and 85-84, 2  
 EWE 85-93—Method for allocation of private activity bonds subject to a volume limitation, 3  
 EWE 85-94—Application for private activity bonds, 6  
 EWE 86-1—Rescinds EWE 85-41, directing National Guard to assist in protective actions against Southern Pine Beetle, 6  
 EWE 86-2—Amends EWE 85-92, 85  
 EWE 86-3—Appoints member pro tem in place of secretary of Department of Environmental Quality, 85  
 EWE 86-4—Surplus of all under-utilized state vehicles, 153  
 EWE 86-5—Grants private activity bond allocations, 153  
 EWE 86-6—Budget cuts effective March 1, 1986, 153  
 EWE 86-7—Amends EWE 85-30, Ad Valorem Taxation Study Commission, 154  
 EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1, 209

## GOVERNOR'S OFFICE

### Architects Selection Board

Application procedure, 15R

### Division of Administration

Equipment lease-purchase, 128N, 231R  
 Fee schedule for copies, 132N, 229R  
 PPM 33, Request for positions, 131N, 229R  
 PPM 40, State group insurance, 132N, 230R  
 PPM 53, Risk management - Responsibilities/rights, 133N, 230R  
 Property Assistance Agency, 92R  
 Repeals Policy and Procedure Memoranda, 15R  
 Risk Management, Office of, 43N, 234R  
 Telecommunications Management, 15R

### Elderly Affairs, Office of

Program income, 255N  
 State Plan on Aging, 255N

### Law Enforcement and Administration of Criminal

#### Justice, Commission on

Crime Victim Assistance, 42N  
 Juvenile justice, delinquency prevention, 92R

## HEALTH AND HUMAN RESOURCES DEPARTMENT

### Electrolysis Examiners, Board of

Meetings scheduled, 144P

### Embalmers and Funeral Directors, Board of

Examination, 144P

### Family Security, Office of

AFDC Program  
 Work referral policy, 115R  
 Food Stamp Program  
 Interest income annualization, 222ER  
 Job search, 256N  
 Mental health centers, 222ER, 257N  
 Self-employment losses, 222ER, 257N  
 Voluntary quit, 8ER, 115R  
 Medical Assistance Program  
 Bed reservation limits, 134N, 243R  
 Carve Out Units capped, 137N, 243R  
 Durable medical equipment limitation, 47N, 155R  
 Lock-in, 135N, 244R  
 Long Term Care/Home and Community Based Services  
 CAP rate, 47N, 155R  
 Neonatal/Pediatric/burn/transplant inpatient service reimbursement, 8ER

Personal care needs allowance, 22R  
 SSI maximum resource limits, 22R  
 Standards for payment, 48N, 155R  
 Support Enforcement Program  
 IV-D application fee, 115R  
 IV-D IRS full service application fee, 115R  
 IV-D Medical support, 134N, 245R  
 Third party liability, 144P

### Management and Finance, Office of

Section 1122  
 Cost containment criterion, 178N  
 Guidelines, 191P  
 Review criteria, 23R

### Medical Examiners, Board of

Midwives, 213ER  
 Physician/surgeon licensing, 212ER

### Mental Health, Office of

Adult group homes, 24R

### Mental Retardation/Developmental Disabilities, Office of

Voting rights, 178N

### Nursing Home Administrators, Board of Examiners for

Education requirements, 115R  
 Licensing, 256N

### Optometry, Board of

Written examination, 22R

### Pharmacy, Board of

Adjudication, 238R  
 Examinations, 238R

### Practical Nurse Examiners, Office of

Staffing, 256N

### Prevention and Recovery from Alcohol and Drug Abuse

ADAMS Block Grant, 138N, 245R

### Preventive and Public Health Services, Office of

Birth rosters, 25R  
 Genetic diseases, 179N  
 Handicapped children services, 223ER

### Secretary, Office of

Controlled substances, 179N, 258N, 258N  
 LAC reference system, 191P  
 Life safety licensing code, 259N  
 Maternal/Child Health Block Grant (FY '87) 259N  
 Sheltered workshops, 223ER  
 Substance abuse, licensing standards, 26R

### Veterinary Medicine, Board of

Examination notice, 71P

## HOUSE OF REPRESENTATIVES

### Legislative Research Library

Reports, 191P

## JUSTICE DEPARTMENT

### Attorney General, Office of

Video bingo machines, 180N, 267-268CR

## LABOR DEPARTMENT

### Labor, Office of

Appeals referee, 246R  
 Apprenticeship, 49N

### CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule  
 L—Legislation N—Notice of Intent P—Potpourri  
 PPM—Policy and Procedure Memorandum R—Rule

## LOUISIANA ADMINISTRATIVE CODE UPDATE

January - March, 1986 changes, 268  
October 1985 to December 1985, 71  
Title 35, Horse Racing  
Supplement changes, 189

### NATURAL RESOURCES DEPARTMENT

#### Conservation, Office of

Injection and Mining Division  
Public hearing, 269P  
Statewide Order 29-B, 26R, 71CR  
Statewide Order 29-N-1, 26R, 71CR  
Statewide Order 29-O-1, 26R, 71CR  
Pipeline Division  
Carbon dioxide pipelines, 115R

#### Fishermen's Gear Compensation Fund

Claims, 72P, 144P, 192P, 269P

#### Secretary, Office of

Coastal Management Division, 192P

#### State Lands, Division of

Reclamation/Encroachments permits, 180N

### PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Corrections Services)

#### Adult Services, Office of

Adult offender furlough, 32R  
Attorney visits, 138N, 246R  
Escorted inmates absent from community rehabilitation centers, 33R  
Escorted inmates absent from confines of institution, 34R  
Escorted inmates absent from parish jail or multi-parish prison, 35R  
Medical furloughs, 36R

#### Secretary, Office of

Searches of visitors/employees, 223ER

### PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Public Safety)

#### Alcoholic Beverage Control, Office of

Permit renewal, 139N, 247R

#### Firemen Supplemental

Pay, 139N

#### Motor Vehicles, Office of

Commercial driving schools, 50N, 154ER  
U. S. Veteran license plates, 50N, 156R

#### State Fire Marshal, Office of

Boiler inspections, 140N  
Corrected date, 273E  
New building specs, 116R

#### State Police, Office of

Bingo pull-tab, 51N, 157R  
Criminal Records Unit  
Screening applicants, 116R  
Hazardous materials unit  
Hazardous chemicals, 184N  
Hazardous Substance Control Section  
Transporting of Hazardous Materials, 261N

Training/Education Section  
User fee, 116R

### REVENUE AND TAXATION DEPARTMENT

#### Excise Taxes Section

Fuels tax, 261N  
Hazardous waste disposal tax, 184N  
Inspection/supervision fee, 187N

#### Tax Commission

Hearing, 200P  
Value of property guidelines, 36R

### TRANSPORTATION AND DEVELOPMENT DEPARTMENT

#### Highways, Office of

Overweight permit, 263N  
Permit fee, 263N

#### Systems Management, Office of

Flight manual, 116R

### TREASURY DEPARTMENT

#### State Employees Group Benefits Program, Board of Trustees

Cardiac rehabilitation, 53N, 248R  
Eligibility provisions, 264N  
Increases accident and health coverage, 8ER  
Inpatient deductible, 141N, 268CR  
Lifetime maximum, 54N, 249R  
Meeting notice, 273P  
Plan document of benefits, 188N

### URBAN AND COMMUNITY AFFAIRS DEPARTMENT

#### Planning and Technical Assistance, Office of

LCDBG (FY 1984) final statement, 141N, 249R  
LCDBG (FY 1985) final statement, 54N, 142N, 159R, 249R  
LCDBG (FY 1986) proposed statement, 55N, 159R, 265N

### WILDLIFE AND FISHERIES DEPARTMENT

#### Wildlife and Fisheries Commission

Experimental Fisheries, 71CR, 119R, 154ER, 168R  
Gamefish fingerlings, 70N, 189CR  
Lake Bruin commercial fishing, 36R  
Oyster seed grounds, 143N, 268CR  
Paddlefish, 87ER, 266N  
Shrimp harvest, reduces, 224ER  
Shrimp seasons, 36R, 143N, 224ER  
Sister (Caillou) Lake Oyster Seed Reservation, 266N  
Spanish Mackerel, 142N

#### CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule  
L—Legislation N—Notice of Intent P—Potpourri  
PPM—Policy and Procedure Memorandum R—Rule



